Annual Report on the Working of the Workmen's Compensation Act, 1923. for 1929, 1931, 1932, 1933 & 1938

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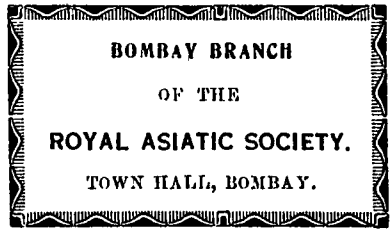

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Annual Report

on the

Working of the Workmen's Compensation Act, 1923

For the Year 1929

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Secretariat, Bombay :
The 9th April 1930.

From

J. F. GENNINGS, Esquire, Bar-at-Law, J.P.,
Acting Commissioner for Workmen's Compensation,
Bombay ;

To

THE SECRETARY TO GOVERNMENT,
Political Department, Secretariat,
Bombay.

Subject—Annual Report on the Working of the Workmen's Compensation Act, 1923, as amended by Workmen's Compensation (Amendment) Act V of 1929, for the year 1929.

Reference—G. R., G. D., No. 5498, dated the 27th November 1924.

Sir,

I have the honour to submit the Annual Report on the working of the Workmen's Compensation Act, in the Bombay Presidency including Sind for the calendar year 1929.

2. In the absence of the permanent full-time Commissioner Mr. N. M. Patwardhan, who is still acting as a District Judge, I continued in charge during the whole year under report, in addition to my other duties as Director of Information and Labour Intelligence. The number of the *ex-officio* Commissioners remained the same as last year and there was no change in the jurisdiction either of the Commissioner, Bombay, or any other *ex-officio* Commissioners in the Presidency.

3. During the year under report several important amendments were made in the Act. The restriction of compensation, in the case of workers employed in the construction, repair or demolition of buildings and bridges, to permanent total disablement or fatal cases was removed. Men employed on Railways by railway contractors who were in some cases excluded from the operation of the Act were definitely brought within its scope. An amendment of a different character made it possible to recover, under section 31 of the Act, any compensation obtained from the Commissioner by fraud, misrepresentation, etc.

4. The Royal Commission on Labour in India appointed by His Majesty's Government to enquire into and report on the existing conditions of labour in industrial undertakings and plantations in British India, etc., visited Bombay in November. The Commissioner for Workmen's Compensation submitted a Memorandum on various aspects of the existing Legislation and possible amendments and also gave oral evidence before the Commission.

5. As in previous years the report is based (*a*) on statistics relating to proceedings before the Commissioners in the Presidency including Sind and Aden and (*b*) the returns submitted by various employers under section 16 of the Act as to accidents and compensation paid in respect of them. There are five annexures to the report, *viz.*, Returns "A", "B" and "C" a consolidated Statement of Returns under section 16 and a comparative statement in respect of proceedings for the past three years. Return "A" deals with proceedings before the Commissioners. Return "B" deals with applications for registration of agreements under section 28 and Return "C" shows the wage class of persons who were awarded compensation or in respect of whose death it was awarded to their dependants in the proceedings shown in Return "A" excluding applications relating to commutation, review, recovery, etc. The consolidated statement is compiled from returns submitted by employers regarding accidents and compensation paid by them and the Comparative Statement shows in detail the proceedings before the Commissioners for the past three years.

6. *Return "A".*—The number of applications pending at the commencement of the year was 30 of which, according to the last year's return, 10 were in respect of fatal accidents, 11 of permanent disablement and 2 of temporary disablement. The present return, however, shows that 8 applications in respect of fatal accidents, 13 of permanent disablement and 2 of temporary disablement were pending at commencement. The difference in the figures of fatal accidents and permanent disablement cases is due to the fact that two cases of permanent disablement which were, through oversight, shown by the *ex-officio* Commissioner, Karachi, as pending under fatal accidents at the end of the year 1928 have this year been shown under the proper head. During the year under report 358 applications were filed and 13 were received for disposal from other Commissioners under section 21(*2*) of the Act, as against 281 and 10 respectively during the last year and 329 and 7 in the year 1927. Adding the 30 cases from the last year, there were in all 401 applications for disposal during the year as compared with 329 last year and 362 in 1927. Of these 401 cases 152 applications were for distribution of compensation deposited under section 8 (*1*); 55 were in respect of fatal accidents for which compensation not having been deposited under section 8 (*1*), the dependants took action under Rule 8 (*1*) of the Workmen's Compensation Rules, 1924. One hundred and sixty-four applications related to accidents resulting in permanent disablement and 16 to temporary disablement, 11 were for recovery under section 31 of compensation already awarded and the remaining 3 were of a miscellaneous character.

7. Sixteen applications were transferred to other Commissioners for disposal, 10 were withdrawn, 3 were dismissed for non-appearance, 4 were summarily dismissed under Rule 21, 190 were admitted by the opposite party, 2 were allowed *ex-parte* and 136 were contested applications, thus leaving a balance of 40 not disposed of at the end of the year.

8. Of the 136 contested applications, 31 were allowed in full, 73 allowed in part and the remaining 32 were dismissed.

9. Of the 152 applications for distribution, 11 were sent to Local Officers for recording evidence of which 2 were sent to other *ex-officio* Commissioners for report under section 21(*2*) and 9 to the Officers appointed for that purpose under Rule 20 and the remaining 141 were disposed of by the Commissioners either at the head-quarters or at other places in their jurisdiction. In no case of distribution did the employer desire to be made a party to the proceedings. In 15 cases, however, requests were received for disbursement statements to be furnished under Rule 6 (*3*) in respect of the deposits made.

10. Of the 11 applications for recovery, under section 31, of compensation already awarded, 10 were disposed of, of which 1 was withdrawn as the compensation awarded had already been paid. In 7 applications compensation was deposited as soon as the opposite party was served with a notice and in the remaining 2 compensation had to be recovered through the intervention of the Collector of the District.

11. Of the two miscellaneous applications that were pending last year, one, for variation of the order for distribution was transferred to other Commissioner for disposal and was dismissed and in the other an order for recovery of compensation obtained by fraud was made under section 8 (*9*) and the amount was deposited before action to recover it was taken.

12. The Court Fees recovered in all these applications amounted to Rs. 658-12-0 as compared with Rs. 722-12-0 in the previous year.

13. The statements called for in respect of deposits received and disbursed show that at the beginning of the year there was a balance of Rs. 22,081-6-11, consisting of Rs. 16,015-1-11 under section 8 (*1*) and Rs. 6,066-5-0 under section 8 (*2*), in the hands of the Commissioners in the Presidency as against Rs. 31,715 last year. This is Rs. 9 more than is shown in the last report due to a clerical error. During the year under report Rs. 2,21,368-2-5 were deposited of which Rs. 1,69,627-14-5 were in respect of fatal accidents and Rs. 51,740-4-0 were for non-fatal accidents. Of this amount Rs. 1,113-14-0 represented compensation deposited in respect of women and persons under a legal disability in whose case as for fatal accidents compensation must be compulsorily deposited and cannot be paid direct by the employer. The balance of Rs. 50,626-6-0 in respect of non-fatal cases represented only the amounts deposited with Commissioners and not the whole amount awarded, as compensation in such cases need not be paid through the Commissioners. Including the opening balance there was,

therefore, a total amount of Rs. 2,43,449-9-4 of which Rs. 2,12,403-2-3 were paid out, leaving a balance of Rs. 31,046-7-1. The corresponding figures for last year were Rs. 1,95,628 and Rs. 1,73,556 respectively. Rs. 6,037-8-0 in respect of 6 deposits were returned to employers as there were no dependants entitled to the money.

14. During the year under report, in respect of 11 persons compensation amounting to Rs. 6,407 was deposited in the Post Office Savings Bank either for minors or women under Rule 10.

15. *Ex-gratia* payments amounting to Rs. 1,300 were made in 3 applications where applications were either withdrawn or dismissed. Only 1 case was decided by the arbitration of the Commissioner under Rule 35.

16. Since the introduction of the Act in 1924, no case either of commutation under section 7 or of review under section 6 has come up before the Commissioners for decision.

17. *Return "B"*.—Applications for registration of memoranda of agreements under section 28. At the beginning of the year there were 19 applications pending as against 26 last year. Three hundred and twenty-eight fresh applications were filed during the year under report of which 318 were in respect of compensation for permanent disablement, 8 for temporary disablement and the remaining 2 were for commutation of half-monthly payments, as against 235, 5 and 5 respectively in the preceding year. The total number of applications for registration to be disposed of during the year was 347 of which 322 were disposed of and 25 were pending at the end of the year. Out of these 322 cases, in 319 agreements were registered as filed without any modification, in two they were registered after some modification and in the remaining case the registration was refused as the compensation agreed upon was found inadequate having regard to the monthly wages and the extent of the injury sustained and additional compensation was ordered to be paid. The amount of compensation involved in the agreements registered during the year was Rs. 79,385-13-2 as against Rs. 70,319 in the previous year when the number of agreements registered was 252. Some employers and Insurance Companies secured immediate registration of the agreements by producing the workmen concerned before the Commissioner. This is a pratice which deserves to be more widely followed as it not only obviates unnecessary delay in the settlement of the claims but solves the difficulty of serving the workmen with notices in Form "N" in cases in which payment was made before the agreements were presented for registration. So many workers leave at once for their homes in the mofussil that it is difficult to trace them.

18. *Return "C"*.—During the year under review compensation was awarded in 286 cases as against 248 in the previous year. Six of these were in respect of accidents to minors of which four resulted in permanent disablement and two in death. Of the remaining 280 cases, 11 were in respect of temporary disablement, 114 of permanent disablement and in the remaining 155 cases the

accidents resulted fatally as against 5, 102 and 140 respectively in the previous year. As has been noticed in the reports for the past three years the wage class most numerously represented was this year again Rs. 25 with Rs. 20 as the next group. Only in 6 cases of fatal accidents, was compensation awarded at the maximum rate.

19. *Returns under section 16.*—Under the Notification issued under section 16 of the Act the only employers who are required to submit returns are those concerned with Factories, Mines, Tramways, Port Trusts and Railways. In the latter case, however, returns are submitted to the Railway Board direct. Other employers who are liable under the Act to pay compensation to their workmen are not required by the Notification to submit returns. This year, returns were received from 1,618 employers of which 1,565 were in respect of Factories; 5 in respect of Mines; 3 in respect of Tramways; 6 in respect of Port Trusts and the remaining 39 were in respect of miscellaneous concerns. Out of these 39 miscellaneous returns 10 were submitted by Railways in respect of small carriage and wagon shops, running sheds, electric machinery repairing shops, etc., 5 were submitted by Hydro Electric Companies in respect of sub-stations, transmission lines, etc., 2 were received from Telephone Companies in respect of over-head cables and the remaining 21 were from small factories and Railway and Shipping Contractors, etc. All these concerns have submitted returns quite voluntarily. It appears that the number of factories which were subject to the operation of the Act was approximately 1,733 of which 1,565 factories submitted returns. Of these returns 213 were blank as the factories remained closed during the year. About 89 per cent. of the factory employers submitted returns which is an improvement over last year's figures.

20. The consolidated statement appended to the report shows that the average number of workmen employed daily in factories was 350,204 adults and 5,908 minors; in Mines 12,229 adults and 12 minors; in Tramways 3,682 adults and no minors; in Port Trusts 2,869 adults and 3 minors. The total number being 368,984 adults and 5,923 minors. The total number of accidents in all these concerns was 3,534 of which 53 resulted fatally; 343 in permanent disablement and 3,138 in temporary disablement, as against 3,012, 58,228 and 2,726 respectively in 1928 and 3,189, 76,250 and 2,863 in 1927. The total amount of compensation shown as paid for all these accidents was Rs. 1,71,965-13-3 of which Rs. 43,769-8-0 was in respect of fatal accidents; Rs. 78,140-11-11 for permanent disablement and Rs. 50,055-9-4 were paid for temporary disablement as against Rs. 47,407, Rs. 62,407 and Rs. 38,405 in 1928 and Rs. 58,248, Rs. 58,884 and Rs. 48,997 in 1927 respectively. The figures for the past years are inclusive of the particulars shown in the miscellaneous returns which is not, however, the case this year as it has been decided not to include these figures in the consolidated statement as under the Notification they are not required to submit any returns. The average number of workmen employed daily in the miscellaneous concerns who have submitted

returns was 10,736 adults and 10 minors and the total number of accidents was 204 of which 9 were fatal accidents, 4 resulted in permanent disablement and 191 in temporary disablement. The total amount of compensation shown as paid for all these accidents was Rs. 8,710-6-8 of which Rs. 3,820 were for fatal accidents, Rs. 2,308-9-0 for permanent disablement and Rs. 2,581-13-8 for temporary disablement. These figures include compensation paid by employers to the claimants both through the Commissioners as well as under agreements registered but exclude compensation paid to railway servants as the returns in that connection are not sent to the Commissioner but are submitted to the Railway Board direct. Moreover, this does not necessarily represent all the compensation paid, as not every employer employing workmen who are eligible for compensation under the Act has to send in returns. These returns, therefore, do not present a real picture of the working of the Act as it affects the Bombay Presidency and the amount of compensation stated in them differs widely from the amounts shown as deposited with the Commissioners.

21. Our office records show that of the total amount of Rs. 2,21,368-2-5 received during the year approximately Rs. 47,900 represented compensation to railway servants, in addition to Rs. 4,715, the amount involved in the agreements registered, the total being Rs. 52,615. This has been excluded from the consolidated statement. If, however, this amount is added to the total compensation paid by the employers as shown in the statement the amount is approximately Rs. 2,33,291, but as all employers have not sent in returns the exact amount cannot be ascertained.

22. *The Comparative Statement.*—Appendix "A" of proceedings before the Commissioners for 1927, 1928 and 1929 shows that there was a large increase in the number of applications. Though the number of applications for the deposit of fatal accidents decreased from 55 to 47, the total number of cases relating to fatal accidents and cases of distribution arising from them has risen from 154 to 184. There was too a marked increase in the number of cases of permanent disablement, which rose from 114 to 150 and a similar increase will be observed in the number of applications for registration of agreements. The number of applications filed during the year was 328 as against 240. There was also a proportionate increase in the amount of compensation deposited with the Commissioners or paid under agreements. This increase appears to be due to a more extended knowledge of the Act and from that point of view is distinctly gratifying.

23. Though the year under review was more normal than 1928, when there was a six months' stoppage of work in the Bombay Cotton Mills, there was also a strike affecting the Bombay Mills which lasted for about five months from 26th April to 18th September. There was, however, no general stoppage of work and most of the Mills were working but with reduced complements. There was, however, an increase in the number of cases for disposal which constituted a record and for the first time since the Act came into

operation exceeded 400. From the figures furnished by the Commissioners in the Presidency it will be seen that of the 358 cases filed, 288 were filed in the Court of the Commissioner in Bombay while, of the 328 agreements, 280 were received for registration in his Court, *i.e.*, 80 per cent. of the cases and 86 per cent. of the agreements were received by the Commissioner, Bombay. Only 70 cases and 48 agreements were filed in the Courts of all the other Commissioners and of this number 29 were filed in the Court of the Karachi Commissioner, 16 at Sukkur (where many thousands of workmen are employed on the construction of the Barrage and Canals), 7 at Naushahro and the remaining 18 applications were distributed among the other Commissioners. Of the 48 agreements, 19 were received by the Karachi Commissioner. Six *Ex-Officio* Commissioners had no case of any kind under the Act. Fifteen Commissioners had no original claims at all but disposed of one or two cases transferred to them by other Commissioners, 19 out of 23 *Ex-Officio* Commissioners had no contested case to decide during the whole year. The Commissioner, Bombay, had 122.

24. Of the 654 cases disposed of, including registration of agreements and excluding cases of commutation, review, etc., about 275 related to accidents in the Textile Mills; 100 related to railway servants and the remaining 295 to accidents in Factories, Mines, Tramways, Port Trusts and other concerns together.

25. *Appeals.*—So far as I am aware only 2 appeals were filed during the year in the High Court under section 30 against the decision of the Commissioners. One was summarily dismissed under Order XLI, Rule 11, of the Civil Procedure Code and the other was pending at the end of the year. Of the 4 appeals which were said to be pending in the last report, 2 were decided by the High Court; in one the order of the Commissioner was confirmed and the other was withdrawn as the parties arrived at a settlement. One of the two appeals which were pending in the Court of the Judicial Commissioner in Sind at the end of the year 1928, was dismissed. The other was still undisposed of.

26. *References.*—No reference was made to the High Court during the year but one pending from last year and relating to the interpretation of the words "for the purpose of loading or unloading a ship" in Schedule II was decided by the High Court who agreed with the view expressed by the Commissioner. The High Court at Madras came to the same conclusion on an appeal from the Commissioner there (see the *Bombay Labour Gazette* for October 1929, pages 111 and 112 and June 1929, pages 960-64).

27. Since the introduction of the Act no case of industrial disease has come up before the Commissioner for decision nor has any been reported by the employers.

28. In only three or four cases was local inspection under Rule 33 found necessary. The assistance of a Medical Assessor was invoked in one case.

29. Out of the two cases of personation and obtaining money by fraud or misrepresentation referred to in the last report as pending,

one was decided, but nothing could be recovered as the person concerned had no means. In the other case the District Magistrate has been asked to prosecute the offenders. Action could not be taken by the Commissioner under section 195 of the Criminal Procedure Code as the offence was committed before the amendments of March 1929.

30. *General Remarks.*—My work was greatly facilitated by the fact that about 43 per cent. of the cases were dealt with by Insurance Companies and it is my experience that claims are settled more speedily and just as equitably when Insurance Companies are concerned than when the employer deals direct with the workman, no doubt, because of their greater familiarity with the law and the procedure laid down in the Act. I except the Railways who have special officers to deal with compensation cases.

31. I referred last year to the negligible part played by Trade Unions in obtaining compensation for workmen with the notable exception of the Textile Labour Union, Ahmedabad. Most of the applications from that city come through the Union, a centralization which is of great assistance in the speedy disposal of cases. My thanks are due to Mr. Desai, the Assistant Secretary of the Union for his assistance in this matter. I am indebted also to the Ahmedabad Millowners' Association and its Secretary Mr. G. I. Patel for solving the problem of court accommodation by placing the committee room of the Association at my disposal for hearing cases when I visit Ahmedabad. My office gave as usual as much assistance as possible to individual applicants. In 27 cases the entire work connected with the claim, from writing out the applications to receiving the money was done by my office.

32. I referred last year to the number of cases that come through claims agencies. The proprietor of the largest of these absconded during the year under review, unfortunately I understand with a good deal of money received by him from employers' on behalf of workmen.

33. In addition to the marked increase in the number of applications, the office work also showed a large increase. The number of letters received rose from 2,927 in 1928 to 3,404 in 1929 and the number of letters despatched from 3,821 to 4,517. Similarly much more time than last year was taken up by callers.

34. Much of this increase of work has fallen on Mr. Marathe my Head Clerk who continued to render me invaluable assistance.

I have the honour to be,

Sir,

Your most obedient servant,

J. F. GENNINGS,

Acting Commissioner for Workmen's Compensation,

Bombay.

RETURN A

Return A

WORKMEN'S COMPENSATION

Proceedings before the Commissioners for Workmen's Compensation

Return of cases filed

1. Application for the registration of agreements should not be

2. Proceedings should only be entered under distribution if they employer is a party they should be shown under Award of Com

Applications for	Pending at commencement	Filed	Transferred to other Commissioners for disposal	Received for disposal from other Commissioners	Not contested			
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 21	Dismissed under Rule 32
Award of compensation (under section 10):—								
Fatal accidents ...	8	47	...	...	3	1	1	...
Permanent disablement	13	150	1	1	4	2	3	...
Temporary disablement	2	14	...	...	1	...	...	...
Total ...	23	211	1	1	8	3	4	..
Distribution (under section 8)	4	137	14	11	1	...	...	...
Commutation (under section 7)	...	...	...	...	...	...	...	...
Review (under section 6) .	...	...	...	...	...	...	...	...
Recovery of compensation (under section 31) .	1	10	...	...	1	...	...	...
Others	2	...	1	1	...	...	...	...
Total ...	7	147	15	12	2	...	...	...
Grand Total ...	30	358	16	13	10	3	4	...

Secretariat,

Bombay, 9th April 1930.

ACT (VIII OF 1923)

in the Bombay Presidency for the year ending 31st December 1929.

entered in this statement.

are confined to dependants of the deceased workman; where the pensation: Fatal accidents [*cf.* Rule 6 (2)].

			CONTESTED						
Admitted by opposite party	Allowed *ex-parte*	Total	Allowed	Allowed in part	Dismissed	Total	Total disposed of	Pending at conclusion	Court fees paid
									Rs. a. p.
9	...	14	6	18	13	37	51	4	136 8 0
52	2	64	15	49	15	79	143	21	253 0 0
5	...	6	...	6	2	8	14	2	8 0 0
66	2	84	21	73	30	124	208	27	397 8 0
134	...	139	...	...	1	1	140	12	255 12 0
...	...	...	...	...	...	...	...	...	.....
...	...	...	...	...	...	...	...	...	.....
...	...	1	9	...	...	9	10	1	5 8 0
...	...	1	1	...	1	2	3	...	.....
124	...	141	10	...	2	12	153	13	261 4 0
190	2	225	31	73	32	136	361	40	658 12 0

J. F. GENNINGS,

Ag. Commissioner for Workmen's Compensation,

Bombay.

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Registration of agreements by the Commissioners for Workmen's Compensation in the Bombay Presidency for the year ending 31st December 1929

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	Not registered on account of		Total disposed of	Pending at conclusion
					Inadequacy	Other causes		
Payment of compensation for permanent disablement ...	19	313	309	2	1	...	312	25
Payment of compensation for temporary disablement ...	...	8	8	...	...	...	8	...
Commutation of half-monthly payments .	...	2	2	...	...	...	2	...
Grand Total ...	19	323	319	2	1	...	322	25

J. F. GENNINGS,
Ag. Commissioner for Workmen's Compensation,
Bombay.

Secretariat,
Bombay, 9th April 1930.

Return C

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation in the Bombay Presidency for the year ending 31st December 1929

Number of persons in each wage-class to whom compensation was awarded

[Commutation, Review, etc., cases should be excluded]

	Assumed wage (*see* Schedule IV)	Number of Persons			
		For temporary disablement	For permanent disablement	For fatal accidents	Total number
	Rs. a. p.				
ADULTS.	8 0 0	.....	.....	1	1
	10 0 0	.....	1	2	3
	12 0 0	.....	.....	4	4
	15 4 0	2	10	17	29
	20 0 0	.....	22	31	53
	25 0 0	.....	29	27	56
	30 0 0	4	17	29	50
	35 0 0	.....	9	10	19
	40 0 0	.....	5	6	11
	46 4 0	3	8	8	19
	55 0 0	1	6	8	15
	65 0 0	} 1	{ 4	4	} 14
	75 0 0		3	2	
	83 5 4		.....	6	6
	Total, Adults ...	11	114	155	280
	Rs. a. p.				
MINORS.	8 0 0	.....	2	(Enter under total only.)	2
	10 0 0	.....	1		1
	13 0 0	.....	.....		.....
	15 4 0	.....	1		1
	20 0 0	.....	.....		.....
	25 0 0	.....	.....		.....
	30 0 0	.....	.....		.....
	35 0 0	.....	.....		.....
	40 0 0	.....	.....		.....
	46 4 0	}	{	}	
	55 0 0		.....		
	65 0 0	.....	.....		.....
	75 0 0		.....		
	83 5 4		.....		
	Total, Minors ...	.....	4	2	6
	Grand Total ...	11	118	157	286

J. F. GENNINGS,
Ag. Commissioner for Workmen's Compensation,
Bombay.

Secretariat,
Bombay, 9th April 1930.

WORKMEN'S

Consolidated statement of Returns furnished by Employers

Province—Bombay

	Numbers employed	Accidents			
		Numbers resulting in			Compensation
		Death	Permanent disablement	Temporary disablement	Death
					Rs. a. p.
Factories					
Adults ...	3,50,204	49	338	3,017	40,462 0 0
Minors ...	5,908	.....	2	10	.....
Mines					
Adults ...	12,229	1	.....	24	457 8 0
Minors ...	12	.....	.....	.....	.....
Tramways					
Adults ...	3,682	2	2	57	1,800 0 0
Minors ...	.....	.....	.....	.....	.....
Port Trust					
Adults ...	2,869	1	1	30	1,050 0 0
Minors ...	3	.....	.....	.....	.....
Total, Adults ...	3,68,984	53	341	3,128	43,769 8 0
Total, Minors ...	5,923	.....	2	10	.....

Secretariat,

Bombay, 9th April 1930.

COMPENSATION

relating to period from 1st January to 31st December 1929

Presidency

		Diseases					
paid for		Numbers resulting in			Compensation paid for		
Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
Rs. a. p.	Rs. a. p.						
75,568 4 11	48,468 13 10	...	.....	.....	...	.....	.....
67 3 0	483 5 0	...	.....	.....	...	.....	.....
.....	277 9 9	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
1,875 4 0	561 15 9	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
630 0 0	273 13 0	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
78,073 8 11	49,572 4 4	...	.....	.....	...	.....	.....
67 3 0	483 5 0	...	.....	.....	...	.....	.....

J. F. GENNINGS,

Ag. Commissioner for Workmen's Compensation,

Bombay.

Return A

APPENDIX

WORKMEN'S COMPENSATION

Comparative statement of the proceedings before the Commis for the years 1929,

Applications for	Pending at commencement	Filed	Transferred to other Commissioners for disposal	Received for disposal from other Commissioners	Not contested: Withdrawn	Not contested: Dismissed for non-appearance	Not contested: Summarily dismissed under Rule 21	Not contested: Dismissed under Rule 22	Not contested: Admitted by opposite party
Award of compensation (under section 10)									
Fatal accidents	8	47	...	...	3	1	1	...	9
	13	55	...	1	3	...	...	...	9
	2	52	...	...	6	...	1	...	8
Permanent disablement.	13	150	1	1	4	2	3	...	52
	13	114	2	3	3	2	2	...	35
	11	182	1	1	3	...	...	...	41
Temporary disablement.	2	14	...	...	1	...	...	...	5
	2	7	...	...	...	...	...	...	2
	1	5	...	...	...	...	1	...	3
Total ...	23	211	1	1	8	3	4	...	66
	28	176	2	4	6	2	3	...	46
	14	189	1	1	9	...	2	...	52
Distribution (under section 8).	4	137	14	11	1	...	...	...	124
	7	99	13	6	...	...	...	...	95
	12	132	13	6	...	...	...	...	131
Recovery of compensation (under section 31).	1	10	...	...	1	...	...	...	...
	3	4	...	...	...	...	...	...	...
	...	7	...	...	...	...	...	...	...
Others ...	2	...	1	1	...	...	...	...	...
	...	2	...	...	...	...	...	...	...
	...	1	...	...	...	...	...	...	...
Total ...	7	147	15	13	2	...	...	...	124
	10	105	13	6	...	...	...	...	95
	12	140	13	6	...	...	...	...	131

Secretariat,

Bombay, 9th April 1930.

A

ACT (VIII OF 1923)

sioners for Workmen's Compensation in the Bombay Presidency 1928 and 1927

Allowed *ex-parte*	Total	Contested: Allowed	Contested: Allowed in part	Contested: Dismissed	Contested: Total	Total disposed of	Pending at conclusion	Court fees paid	Year
								Rs. a. p.	
...	14	6	18	13	37	51	4	136 8 0	1929
1	13	13	23	10	46	59	10	235 2 0	1928
...	15	6	17	5	28	43	11	187 10 0	1927
2	64	15	49	15	79	143	21	253 0 0	1929
2	46	14	51	8	73	119	11	220 2 0	1928
4	49	12	50	20	82	131	13	225 2 0	1927
...	6	...	6	2	8	14	2	8 0 0	1929
...	2	2	1	2	5	7	2	4 0 0	1928
...	4	...	1	...	1	5	1	8 2 0	1927
2	84	21	73	30	124	208	27	397 8 0	1929
3	61	29	75	20	124	185	23	459 4 0	1928
4	68	18	68	25	111	179	25	420 14 0	1927
...	139	...	...	1	1	140	12	255 12 0	1929
...	108	...	...	...	...	108	4	260 8 0	1928
...	144	...	...	...	...	144	6	375 8 0	1927
...	1	9	...	...	9	10	1	5 8 0	1929
...	...	6	...	...	6	6	1	2 0 0	1928
...	...	4	...	...	4	4	3	3 8 0	1927
...	1	1	...	1	2	3	...	.....	1929
...	...	...	...	...	...	...	2	1 0 0	1928
...	...	...	...	1	1	1	...	0 8 0	1927
...	141	10	...	2	12	153	13	261 4 0	1929
...	108	6	...	...	6	114	7	263 8 0	1928
...	144	4	...	1	5	149	9	579 8 0	1927

J. F. GENNINGS,

Ag. Commissioner for Workmen's Compensation,

Bombay.

APPENDIX A—*contd.*

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Comparative statement of applications for registration of agreements for the years 1929, 1928 and 1927.

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	Not registered on account of		Total disposed of	Pending at conclusion	Year
					Inadequacy	Other causes			
Payment of compensation for permanent disablement.	19	318	309	2	1	...	312	25	1929
	25	235	237	3	...	1	241	19	1928
	17	241	230	2	1	...	233	25	1927
Payment of compensation for temporary disablement.	...	8	8	...	...	...	8	...	1929
	...	5	5	...	...	...	5	...	1928
	...	...	...	...	...	...	...	...	1927
Computation of half-monthly payments.	...	2	2	...	...	...	2	...	1929
	1	5	5	1	...	...	6	...	1928
	...	3	2	...	...	...	2	1	1927

J. F. GENNINGS,
Ag. Commissioner for Workmen's Compensation,
Bombay.

Secretariat,
Bombay, 9th April 1930.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS

Annual Report

on the

Working of the Indian Workmen's Compensation Act, 1923, in the Bombay Presidency (including Sind)

For the Calendar Year 1931

[Price—Anna 1 *or* 1*d.*]

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No. 1487 of 1932.

SECRETARIAT, BOMBAY:

The 30th May 1932.

From

J. F. GENNINGS, Esq., Bar-at-Law, J.P.,
Commissioner for Workmen's Compensation,
Bombay;

To

THE SECRETARY TO GOVERNMENT,
Political Department,
Bombay.

Subject.—Annual Report on the Working of the Workmen's Compensation Act, 1923, as amended by the Workmen's Compensation (Amendment) Act V of 1929, for the year 1931.

Reference.—G.R., G.D., No. 5498, dated the 27th November 1924.

Sir,

I have the honour to submit the Annual Report on the working of the Indian Workmen's Compensation Act, 1923, in the Bombay Presidency (including Sind) for the calendar year 1931.

2. I continued in charge of the administration during the year under report, in addition to my other duties as Director of Information and Labour Intelligence. The number of ex-officio Commissioners in the Presidency remained the same as last year and there was no change in the jurisdiction either of the Commissioner in Bombay or any of the ex-officio Commissioners.

3. The list of the Commissioners exercising jurisdiction over the various sections of the Railway Lands in the Presidency was considered and completed during the year by the Local Government and forwarded to the Government of India for their information and communication to the managements of the Railways concerned. The difficulty experienced in ascertaining the Commissioner for a particular area in the Railway Lands has now been overcome.

4. During the year under report a minor amendment was made in the Act under which the occupation of all persons employed in constructing, maintaining, dismantling, altering or repairing aerial ropeways was declared to be hazardous and brought within the scope of the Act by being added to Schedule II. No change was made in the Rules during the year.

5. The report of the Royal Commission on Labour in India was published in July last. The working of the Act was reviewed and a number of recommendations were made including the addition of fresh classes of workmen, increase in scales of compensation, etc. If all the recommendations are accepted the number of workmen covered by the Act will be increased, it is estimated, by 50 per cent. Almost all the recommendations have been incorporated in a Bill introduced in the Legislative Assembly in February last. The Commission approved of the system adopted by Bombay, Bengal and Madras of having specialist officers to administer the Act and recommended the adoption of the system by all provinces.

6. As in previous years this report is based on (*a*) statistics relating to the proceedings before the Commissioners in the Presidency including Sind and Aden and (*b*) the returns submitted by various employers under section 16 of the Act as to accidents and compensation paid in respect of them.

Return "A"—Proceedings before the Commissioners.

7. At the beginning of the year, according to the last year's statement there were 70 applications pending of which 51 were for award of compensation, 13 were for distribution and 6 for recovery of compensation. Of the 51 applications for award, 23 were in respect of fatal accidents, 26 of permanent disablement and 2 of temporary disablement. The present return, however, shows that there were 17 applications in respect of fatal accidents and 19 in respect of distribution instead of 23 of fatal accidents and 13 of distribution shown last year. The difference in the figures of applications for fatal accidents and distribution is due to the fact that six cases of distribution which were, through mistake, shown by the ex-officio Commissioners at Sukkur and Godhra as pending under fatal accidents have this year been shown under the proper head of distribution and, therefore, the figure of applications for fatal accidents is decreased and that of distribution cases is increased by 6.

8. During the year under report 323 new applications were filed and 16 were received for disposal from other Commissioners under section 21(2) of the Act as against 377 and 6 respectively during the preceding year and 358 and 13 during 1929. With the 70 cases from last year there were in all 409 cases for disposal during the year as compared with 424 last year and 401 in 1929. Of the 409 applications, 240 were for award of compensation under section 10, of which 61 were in respect of fatal accidents, 156 related to accidents resulting in permanent disablement and the remaining 23 to temporary disablement. One hundred and forty-three applications were for distribution of compensation deposited under section 8 (1), 4 were for review under section 6, 20 were for recovery of compensation under section 31 and the remaining 2 were miscellaneous applications.

9. Of these 12 were transferred for disposal to other Commissioners, 5 were withdrawn, 8 were dismissed for non-appearance, 3 were summarily dismissed, 2 were dismissed under rule 22,

166 were admitted by the opposite party, 2 were allowed *ex-parte* and the remaining 162 were contested applications thus leaving a balance of 49 not disposed of at the end of the year.

10. Of the 162 contested cases 41 were allowed in full, 96 allowed in part, and the remaining 25 were dismissed. In four cases claims for indemnity against contractors under section 12 (1) were received, in 3 of which awards were made against the employers with a further order for indemnity against the contractors. The remaining application was dismissed as neither the principal nor the contractor was found to be liable.

11. Of the 143 applications for distribution 18 were sent to Local Revenue Officers for recording evidence under rule 20 and 7 to other Commissioners for report under section 21 (2). Requests were received in 9 cases for disbursement statements to be furnished under rule 6 (3) in respect of deposits made. In no case did the employers making deposits under section 8 (1) desire to be made a party to the distribution proceedings.

12. No separate application for commutation of half-monthly payments under section 7 has been received since 1924 when the Act came into force. Four applications for review under section 6 were, however, received for the first time during the year under report. Three of them were from the employers for an order discontinuing the half-monthly payments on the ground that the disablement had ceased on a particular date. In one, the half-monthly payments were ordered to be stopped from the date of the application for review and in one, not from the date of the application but sometime afterwards, and another was dismissed as the disablement was still existing. The employers thereafter applied for commuting the half-monthly payments which was done, the applicant having no objection. The other application was from the workman for lump sum compensation on the ground that the injury sustained had resulted in permanent total disablement. This application was pending at the end of the year.

13. Of the 20 applications for recovery, under section 31, of compensation already awarded, 10 were disposed of. In 7 of these compensation was deposited by the employers when a notice was served on them, in two compensation had to be recovered through the intervention of the Collector as an arrear of land revenue and in the other the opposite party concerned asked to be allowed to pay the amount by monthly instalments, on the ground of trade depression. This was granted, the applicant having consented to that arrangement. The amount was accordingly recovered in nine-monthly instalments. Of the ten applications that were pending, in one the Collector allowed instalments which were asked for. Only two or three such instalments were regularly paid but on failure to continue them a warrant of attachment was issued by the Collector when a third party came forward claiming to be a mortgagee in possession of the shop sought to be attached and produced a mortgage-deed executed between the date of the first hearing of the original application for compensation by the dependants and the date of judgment. Nothing further could,

therefore, be recovered. In another case the opposite party first fought the case but seeing that he could not escape liability consented to an order for payment of the compensation by instalments under which he promised to pay Rs. 200 next day. Instead of depositing the money he filed a schedule of insolvency which is still pending in the High Court. In the third case after an award was made and an application for recovery was filed by the applicant and notice issued to the opposite party, he managed with the help of the pleader to settle the matter out of Court directly with the applicant, although it is not permitted by the Act, without the knowledge of her representative who was acting for her in this Court. The matter was settled for Rs. 180 when the original award was for Rs. 750. It is understood that after the said settlement the applicant was sent away to her native place in an Indian State. In one more case, although it is still pending, there is no hope of any recovery being made as the opposite party has no property in British India.

14. The court fees recovered on all these applications amounted to Rs. 693-8-0 as against Rs. 786-14-0 last year and Rs. 658-12-0 in 1929.

Return "B"—Applications for Registration of Agreements.

15. There were 23 applications pending at the beginning of the year, 22 relating to payment of compensation for permanent disablement and one for temporary disablement, as against 25 last year. Three hundred and nine fresh applications were filed during the year under report of which 306 were in respect of compensation for permanent disablement and 3 of temporary disablement as against 302 last year of which 298 were in respect of permanent disablement, 2 of temporary disablement and 2 related to commutation of half-monthly payments. The total number of applications for registration to be disposed of during the year was 332 of which 309 were disposed of and 23 remained pending at the end of the year. Of these 309 cases, in 303 agreements were registered as filed without any modification, in 5 they were registered after some modification and in the remaining case the registration was refused on the ground of inadequacy of compensation and the workman was compensated as directed by the Commissioner. The amount of compensation involved in the agreements registered during the year was Rs. 75,900-6-9 as against Rs. 81,219-5-0; when the number of agreements registered was 301. In 42 cases the employers or the Insurance Companies on their behalf secured immediate registration of agreements by producing the workmen before the Commissioner as against 16 cases last year. This procedure obviates unnecessary delay and correspondence as it gets over the difficulty of serving notices in form "N" on the workmen and should be more generally adopted.

16. As in other provinces, much difficulty is experienced in getting the notices in form "N" served on workmen either on account of the insufficient addresses furnished by the employers or because the workman leaves for his native place after receiving the

compensation. In a number of cases the employers seem to be under the impression that the moment they send the agreements for registration to the Commissioner as provided in the Act, their responsibility ceases. But it should be remembered that until the agreement is duly registered they are not protected and the best way to ensure speedy registration is for the employers or the Insurance Companies to produce the workmen before the Commissioners. Failing that they should see that correct addresses of the workmen are furnished.

Return "C"—Wage Classes of Workmen.

17. During the year under report compensation was awarded in 292 cases as against 299 in the previous year. Three of them were in respect of accidents to minors, in one of which the injury resulted fatally, and in the other two in permanent disablement. Of the remaining 289 cases, 19 were in respect of temporary disablement, 128 in respect of permanent disablement and in the other 142 cases the accidents resulted fatally, as against 11, 156 and 130 last year. As has been noticed in the reports of the last five years this year again the wage class most numerously represented was Rs. 25 with Rs. 20 as the next group. The number of workmen getting Rs. 65 or over was only 23. In one case of permanent disablement and seven of fatal accidents compensation was awarded at the maximum rate.

Compensation deposited with the Commissioners.

18. At the commencement of the year there was a balance of Rs. 43,688-2-6—Rs. 37,253-5-6 under section 8(1) for fatal accidents and Rs. 6,434-13-0 under section 8(2) for non-fatal accidents—in the hands of the Commissioners in the Presidency as against Rs. 31,046-7-1 last year. During the year under report Rs. 1,89,716-5-3 were received of which Rs. 1,47,718-11-3 were in respect of fatal accidents, Rs. 1,528-15-4 in respect of non-fatal accidents to minors or women under section 8(1) and Rs. 40,468-10-8 for non-fatal accidents under section 8(2). Including the opening balance there was, therefore, a total amount of Rs. 2,33,404-7-9 of which Rs. 1,94,199-11-1 were paid out leaving a balance of Rs. 39,204-12-8 in respect of about 40 deposits that remained pending at the end of the year. The corresponding figures last year were Rs. 2,44,899-14-3, Rs. 2,01,211-11-9 and Rs. 43,688-2-6, respectively. The total amount returned to the employers under section 8(4) during the year was Rs. 10,292-8-0 in respect of 10 deposits of fatal accidents. In one of these, although the deceased workman had left no legal dependant, the Burmah-Shell Oil Storage and Distributing Company of India, Limited, were kind enough to consent to the payment of Rs. 687-8-0 to the brother of the deceased who had borne the expense of the marriage of the deceased and also supported the widow until her death. The balance of Rs. 700 was paid by the Company to the building fund of the Indian Sailors' Home in Bombay. In another case where there were no dependants, out of the deposit of Rs. 1,387-8-0

Messrs. Turner Morrison and Company paid Rs. 387-8-0 to the uncle of the deceased who had brought him up in the absence of his parents.

19. An *ex-gratia* payment of Rs. 375 was made in one case although it was dismissed after contest. In this case the employer was one Mr. Hussenbhoy Hassum, loading and unloading contractor.

Investments under section 8 (7).

20. Of the investments allowed by Rule 10 of the Workmen's Compensation Rules, 1924, for money belonging to a woman or a person under a legal disability, the Post Office Savings Bank has been found to be most suitable, as the deposits to be made are generally small and are likely to be withdrawn, in some cases, after a few months. At the beginning of the year there were 45 Savings Bank Accounts open with a total balance of Rs. 22,803-4-0 and 28 new accounts were opened during the year with a total amount of Rs. 19,306-4-0 as against Rs. 20,366-4-0, in respect of 38 accounts, opened last year. Applications were received from 57 persons for withdrawing money and the total amount withdrawn and paid out came to Rs. 14,104-7-0 (including the interest on the accounts closed) as against Rs. 3,986-0-7 in respect of 23 applications received during last year. The number of accounts closed during the year under report was 19 leaving a balance of 54 accounts open at the end of the year with total deposits of Rs. 28,206.

Returns under section 16.

21. As stated in the reports for the previous years the only employers, besides the Railways, who are required to submit returns, are factory owners, mine owners, Tramway Companies and Port Trusts. Returns in respect of railway servants are sent to the Railway Board direct. This year returns were received from 1,708 employers of which 1,694 were in respect of factories, including railway workshops ; 4 in respect of Mines : 4 in respect of Tramways and the remaining 6 were in respect of Port Trusts. Many other employers employing workmen covered by Schedule II, though liable to pay compensation to their workmen are not required to submit returns. Some of them, however, submit returns voluntarily. This year 17 such returns were received of which some were received from Hydro-Electric Companies in respect of Receiving Stations, some were in respect of Engineering Departments and some from other miscellaneous concerns.

22. The number of factories subject to the operation of the Act in the Presidency was approximately 1,821 of which 1,694 (about 93 per cent.) submitted returns. The number of factories not submitting returns was 127, inclusive of 31 factories whose addresses could not be traced. These were mainly seasonal factories. Only 56 returns were received without any intimation from this office and all were from Insurance Companies on behalf of their clients. In

the remaining 1,638 cases intimations were sent to the owners of the factories with the forms of returns as usual. In 1,344 cases returns were received on the first intimation, in 256 cases after one reminder and in the remainder 38 after two reminders. The delay in submitting the returns in some cases was found to be due to the employers' ignorance both of the English language and of their liability to submit returns.

23. Of the returns submitted 192 were blank, the factories concerned having remained closed during the year. One thousand, one hundred and thirteen did not report a single accident. This year again two employers refused to accept the forms sent to them both by ordinary and registered post and ultimately did not submit returns. It is not, however, proposed to take any action against them this year in view of the specific penal clause for failure to furnish returns etc., provided in the Workmen's Compensation Amendment Bill referred to in para 5. In two cases of fatal accidents compensation was found to have been paid to the dependants direct instead of its being deposited with the Commissioner as required by section 8 (1). These cases are still under consideration. Similarly in one or two cases of permanent partial disablement, although a lump compensation was paid by the employers, agreements were not sent for registration as required by section 28. This was rectified when the consequences of failure to send the agreements for registration were brought to the notice of the employers.

24. The consolidated statement appended to the report shows that the average number of workmen employed daily in factories was 3,73,899 adults and 5,621 minors; in Mines 1,404 adults and 2 minors; in Tramways 3,545 adults and no minors and in Port Trusts 3,472 adults and 2 minors, the total number being 3,82,320 adults and 5,625 minors as against 3,78,309 adults and 6,073 minors employed last year. The total number of accidents in all these concerns was 3,220 of which 53 resulted fatally; 325 in permanent disablement and the remaining 2,842 in temporary disablement as against 3,712, 49,322 and 3,341 respectively last year and 3,534, 53,343 and 3,138 in 1929. The total amount of compensation shown as paid in respect of all the accidents was Rs. 1,67,955-9-11 of which Rs. 51,140 was in respect of fatal accidents; Rs. 78,624-5-7 for permanent disablement and Rs. 38,191-4-4 for temporary disablement as against Rs. 1,62,849-5-0, Rs. 43,015, Rs. 81,099-10-11 and Rs. 38,734-10-1 respectively in 1930. It should be remembered that this amount represents only the compensation paid by the employers who are covered by the Notification under section 16 and not the whole amount of compensation paid by all the employers amenable to the Workmen's Compensation Act. Therefore, it differs widely from the amount shown as deposited with the Commissioners.

25. It appears from the records that out of the total amount of Rs. 1,89,716-5-3 deposited with the Commissioners during the year, approximately Rs. 43,000 represented compensation to railway

servants, in addition to Rs. 7,900 paid by the Railways under the agreements registered, the total being Rs. 50,900. This amount does not include the compensation paid by the Railway Companies in respect of temporary disablement cases as such cases are not required to be brought before the Commissioner and may be settled by the employers themselves without the intervention of the Commissioner. Unless returns from all the employers are made available there can be no comparison between the amounts shown in the consolidated statement and those deposited with the Commissioner. The total amount of compensation awarded and distributed by the Commissioners during the year was approximately Rs. 2,60,000.

Comparative Statement—Appendix "A".

26. It will be seen from the figures for the past three years, that on the whole there was a marked decrease in the number of cases filed during the year under report although there was a small increase in the number of applications for temporary disablement and for distribution. The total number of fatal accidents in which compensation was paid was 143 as against 130 last year and 157 in 1929, and that of permanent disablement 130 as against 158 last year and 118 in 1929. The number of applications for registration of agreements rose from 302 to 309. In spite of the decrease in the total number of applications filed, the number of contested cases increased. The amount of compensation deposited was less by about Rs. 24,000 than last year. The amount paid under agreements was also less by more than Rs. 5,000 although the number of agreements registered was more than last year. Of the 162 contested cases 25 i.e. about 15 per cent. were dismissed. In 14 of them it was held that the accident did not arise out of and in the course of the employment of the workman. In two the employers' plea of wilful disobedience was upheld. Two were dismissed for failure to give notice as soon as practicable. In one it was held that death was due to natural causes and not due to any accident. In one case it was held that the applicant was not a workman within the meaning of the Act. The other five were dismissed for other reasons. Out of the remaining 136 cases that were either allowed or allowed in part, in 40 cases the dispute related only to the extent of injury; in 16 only to wages; in 17 both to wages and extent of injury; in 12 the plea of wilful disobedience failed; in 4 the employers' contention that the applicants were not workmen within the meaning of the Act was not accepted; in 12 it was pleaded that the accident did not arise out of and in the course of the employment; in one the applicant's status as a dependant within the meaning of the Act was questioned on the ground that she was not a legally married wife of the deceased; in two it was contended that the workman was not employed by the opposite party; in five the parties came to terms and in the remaining 28 Applications other minor defences were raised all of which were not accepted.

27. From the statistical returns received from the ex-officio Commissioners in the Presidency, it appears, that out of the 323 applications filed during the year 265 i.e. more than 82 per cent. were filed in the Court of the Commissioner in Bombay, while of the 309 agreements 282 i.e. more than 91 per cent. were received for registration in his Court. Only 58 cases and 27 agreements were filed in the courts of all the ex-officio Commissioners together. Of this number 15 were filed in the Court of the Commissioner at Karachi, 14 at Sukkur (where the work of construction of the Lloyd Barrage and Canals was still going on), 5 each at Hyderabad and Aden and the remaining 19 were distributed among the other Commissioners. Of the 27 agreements 11 were received by the Commissioner, Sukkur, 9 by Karachi, 3 by Hyderabad and the remaining 4 by the three other Commissioners. Six ex-officio Commissioners had no case of any kind and ten Commissioners had no original claim at all. The Satara Commissioner disposed of 4 applications for distribution transferred to him by other Commissioners for disposal. The Commissioners at Poona, Nadiad, Godhra and Nasik disposed of two distribution cases each received from other Commissioners. Sixteen of the 23 ex-officio Commissioners had no contested case to decide during the whole year. The Commissioner, Karachi, had only 6, Aden 4, Godhra and Sukkur 2 each, Alibag, Nasik and Dharwar had one each while the Commissioner, Bombay, had 145, a record number. It will thus be seen that practically the entire work of the administration of the Act is done by the Commissioner, Bombay.

28. Of the 654 applications disposed of, including those for registration of agreements and excluding the cases of recovery etc., about 306 related to accidents in Textile Mills, 90 related to Railway Servants and the remaining 258 to accidents in factories including Ginning Presses, Mines, Tramways, Port Trusts, building trade, loading and unloading of steamers and other concerns together.

Appeals under Section 30.

29. So far as this office is aware, at the beginning of the year there were five appeals pending in the Bombay High Court, and 5 fresh appeals were filed during the year. All these appeals were against the decisions of the Commissioner, Bombay, of which four were summarily dismissed under Order XLI, rule 11, of the Civil Procedure Code and the remaining 6 were pending at the end of the year. Of these 6 appeals which were pending, one was filed in 1929, 3 in 1930 and of the remaining 2 one in April and the other in July 1931. All these appeals except the appeal of 1929, which was decided in February of this year, are still pending in the High Court.

References under Section 27.

30. During the year under report no reference was made to the High Court by any Commissioner in the Presidency under section 27.

Industrial Diseases.

31. No case of industrial disease has come before the Commissioner for decision nor has any been reported by the employers in the returns since the introduction of the Act.

Tours, Local Inspections and Assessors.

32. The Commissioner, Bombay had to go out of Bombay in the districts in his jurisdiction on five occasions to hear cases. In only 3 cases was local inspection under rule 33 found necessary. On no occasion was the assistance of medical or other assessors invoked.

General Remarks.

33. No case of personation or obtaining money by fraud was detected during the year. The case of perjury which was pending at the end of the last year had to be withdrawn as two important witnesses could not be secured on the day of hearing and as the accused was in jail custody no adjournment was granted.

34. As in previous years this year also the work was greatly facilitated by the fact that many claims were settled through Insurance Companies who dealt with nearly 310 cases, including cases of agreements, which came to about 50 per cent. of the total number of cases received during the year as against 35 per cent. last year and 43 per cent. in 1929.

35. A reference has been made in the reports of the last three years of the negligible part played by the Trade Unions in obtaining compensation for their members. Unfortunately, the same remark applies this year also. The only Union that did any work worth mentioning was the Ahmedabad Textile Labour Association, which as usual represented the workmen or their dependants in the majority of cases in Ahmedabad. The National Seamen's Union of Bombay and the B. B. & C. I. Railway Employees' Association at Ahmedabad also presented a few cases as last year. In Bombay the work of presenting claims for the workmen is mainly done by three or four claims agencies.

36. The Secretary, Millowners' Association, Ahmedabad, was, as usual, kind enough to allow the Commissioner the use of the Association's room for holding the Court at Ahmedabad while on tour.

37. The staff of this office, as usual, gave much assistance to the workmen or their dependants both by oral advice and by writing out applications for them. In 35 cases the entire work connected with the claim, from the beginning to the end, in addition to the 57 applications for money deposited in the Post Office Savings Bank was done by the staff.

38. Along with the decrease in the number of applications filed, the number of letters received and despatched during the year was also decreased. The number of letters received fell from 3,512 to

3,281 and that of letters despatched from 4,850 to 4,724. However, much more time was taken up by callers, the work in connection with the Post Office Savings Bank Accounts and the Court work owing to the increased number of contested cases.

39. The general decrease in the work cannot be attributed to anything else but to general trade depression and the drastic retrenchment effected during the year by the Railways and many other big concerns. There was no big strike or lock-out involving long stoppage of work during the year.

I have the honour to be,

Sir,

Your most obedient servant,

J. F. GENNINGS,

Commissioner for Workmen's Compensation,

Bombay.

Return A

WORKMEN'S COMPENSATION

Proceedings before the Commissioners for Workmen's Compensation

Return of cases filed

1. Application for the registration of agreements should not be

2. Proceedings should only be entered under distribution if they employer is a party they should be shown under Award of Com

Applications for	Pending at commencement	Filed	Transferred to other Commissioners for disposal	Received for disposal from other Commissioners	NOT CONTESTED			
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 21	Dismissed under Rule 22
Award of compensation (under section 10) :—								
Fatal accidents ...	17	44	...	...	1	2	...	..
Permanent disablement	26	130	...	...	2	...	2	1
Temporary disablement	2	21	...	...	2	...	...	...
Total ...	45	195	...	...	5	2	2	1
Distribution (under section 8)	19	109	12	15	...	6	...	1
Commutation (under section 7)	...	...	...	...	...	...	...	...
Review (under section 6) .	...	4	...	...	...	...	...	...
Recovery of compensation (under section 31) .	6	14	...	...	...	...	...	...
Others	...	1	...	1	...	...	1	...
Total ...	25	198	12	16	...	6	1	1
Grand Total ...	70	323	12	16	5	8	3	2

Secretariat,

Bombay, 30th May 1932.

ACT (VIII OF 1923)

in the Bombay Presidency for the year ending 31st December 1931

entered in this statement.

are confined to dependants of the deceased workman; where the pensation: Fatal accidents [*cf.* Rule 6 (2)].

			CONTESTED						
Admitted by opposite party	Allowed *ex-parte*	Total	Allowed	Allowed in part	Dismissed	Total	Total disposed of	Pending at conclusion	Court fees paid
									Rs. a. p.
12	...	15	12	14	11	37	52	9	186 12 0
43	1	49	16	70	10	96	145	11	235 6 0
6	1	9	2	10	2	14	23	...	22 4 0
61	2	73	30	94	23	147	220	20	444 6 0
105	...	124	...	...	1	1	125	18	236 10 0
...	...	...	...	...	...	...	...	...	.....
...	...	...	...	2	1	3	3	1	3 8 0
...	...	...	10	...	...	10	10	10	6 8 0
...	...	1	1	...	...	1	2	...	2 8 0
105	...	125	11	2	2	15	140	29	249 2 0
166	2	198	41	96	25	162	360	49	693 8 0

J. F. GENNINGS,

Commissioner for Workmen's Compensation,

Bombay.

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Registration of agreements by the Commissioners for Workmen's Compensation in the Bombay Presidency for the year ending 31st December 1931.

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	Not registered on account of		Total disposed of	Pending at conclusion
					Inadequacy	Other causes		
Payment of compensation for permanent disablement ...	22	306	299	5	1	...	305	23
Payment of compensation for temporary disablement ...	1	3	4	...	...	...	4	...
Commutation of half-monthly payments .	...	...	...	...	...	...	...	...
Total ...	23	309	303	5	1	...	309	23

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

Secretariat,
Bombay, 30th May 1932.

Return C

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation in the Bombay Presidency for the year ending 31st December 1931.

Number of persons in each wage-class to whom compensation was awarded

[Commutation, Review, etc., cases should be excluded]

	Assumed wage (*see* Schedule IV)	Number of Persons			
		For temporary disablement	For permanent disablement	For fatal accidents	Total numbers
ADULTS.	Rs. a. p.				
	8 0 0	.....	1	.....	1
	10 0 0	.....	.....	3	3
	12 0 0	.....	.....	3	3
	15 4 0	1	7	16	24
	20 0 0	1	20	25	46
	25 0 0	1	31	20	52
	30 0 0	1	19	21	41
	35 0 0	1	11	14	26
	40 0 0	3	13	8	24
	46 4 0	8	11	12	31
	55 0 0	1	7	7	15
	65 0 0	} 2 {	3	5	} 23
	75 0 0		4	1	
	83 5 4		1	7	
	Total, Adults ...	19	128	142	289
MINORS.	Rs. a. p.				
	8 0 0	.....	1	(Enter under total only.)	1
	10 0 0	.....	1		1
	12 0 0	.....	.....		.....
	15 4 0	.....	.....		.....
	20 0 0	.....	.....		.....
	25 0 0	.....	.....		.....
	30 0 0	.....	.....		.....
	35 0 0	.....	.....		.....
	40 0 0	.....	.....		.....
	46 4 0	} ..... {	.....		} .....
	55 0 0		.....		
	65 0 0		.....		
	75 0 0		.....		
	83 5 4		.....		
	Total, Minors ...	.....	2	1	3
	Grand Total ...	19	130	143	292

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

Secretariat,
Bombay, 30th May 1932.

WORKMEN'S

Consolidated statement of Returns furnished by Employers

Province—Bombay

	Numbers employed	Accidents			
		Numbers resulting in			Compensation
		Death	Permanent disablement	Temporary disablement	Death
					Rs. a. p.
Factories					
Adults ...	3,73,899	50	320	2,750	47,940 0 0
Minors ...	5,621	1	3	4	200 0 0
Mines					
Adults ...	1,404	.....	1	10	.....
Minors ...	2	.....	.....	.....	.....
Tramways					
Adults ...	3,545	2	1	58	3,000 0 0
Minors ...	.....	.....	.....	.....	.....
Port Trust					
Adults ...	3,472	.....	.....	20	.....
Minors ...	2	.....	.....	.....	.....
Total, Adults ...	3,82,320	52	322	2,838	50,940 0 0
Total, Minors ...	5,625	1	3	4	200 0 0

Secretariat,

Bombay, 30th May 1932.

COMPENSATION

relating to period from 1st January to 31st December 1931

Presidency

paid for		Diseases					
		Numbers resulting in			Compensation paid for		
Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
Rs. a. p.	Rs. a. p.						
77,841 13 7	37,038 10 1	...	.....	.....	...	.....	.....
191 8 0	19 2 7	...	.....	.....	...	.....	.....
335 0 0	32 9 9	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
255 0 0	665 9 11	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
.....	395 4 0	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
78,432 13 7	38,172 1 9	...	.....	.....	...	.....	.....
191 8 0	19 2 7	...	.....	.....	...	.....	.....

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

APPENDIX

WORKMEN'S COMPENSATION

Comparative statement of the proceedings before the Commis for the years 1931,

Applications for	Pending at commencement	Filed	Transferred to other Commissioners for disposal	Received for disposal from other Commissioners	NOT CONTESTED				
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 21	Dismissed under Rule 22	Admitted by opposite party
Award of compensation (under section 10)									
Fatal accidents	17	44	...	...	1	2	...	...	12
	7	78	1	2	1	...	...	...	23
	8	47	...	...	3	1	1	...	9
Permanent disablement.	26	130	...	...	2	...	2	1	43
	21	178	...	1	1	1	1	1	74
	13	150	1	1	4	2	8	...	62
Temporary disablement.	2	21	...	...	2	...	...	...	6
	2	61	...	...	...	...	2	...	6
	2	14	...	...	1	...	...	...	5
Total ...	45	195	...	...	5	2	2	1	61
	30	272	1	3	2	1	3	1	103
	23	211	1	1	8	3	4	...	66
Distribution (under section 8).	19	109	12	15	...	6	...	1	105
	10	91	9	3	...	...	1	2	78
	4	137	14	11	1	...	...	...	124
Review (under section 6).	...	4	...	...	...	...	...	...	...
	...	...	...	..	...	...	...	...	...
	...	...	...	..	...	...	...	...	...
Recovery of compensation (under section 31).	6	14	...	..	...	...	...	...	...
	1	13	...	..	...	...	...	...	...
	1	10	...	..	1	...	...	...	...
Others ...	...	1	...	1	...	...	1	...	...
	...	1	...	...	...	...	...	...	1
	2	..	1	1	...	...	...	...	...
Total ...	25	128	12	16	...	6	1	1	105
	11	105	9	3	...	...	1	2	79
	7	147	15	12	2	...	...	...	124

Secretariat,

Bombay, 30th May 1932.

A

ACT (VIII OF 1923)

sioner's for Workmen's Compensation in the Bombay Presidency 1930 and 1929

Contested						Total disposed of	Pending at conclusion	Court fees paid	Year
Allowed *ex-parte*	Total	Allowed	Allowed in part	Dismissed	Total				
								Rs. a. p.	
...	15	12	14	11	37	52	9	186 12 0	1931
...	25	17	12	10	39	64	23	246 12 0	1930
...	14	6	18	13	37	51	4	136 8 0	1929
1	49	16	70	10	96	145	11	235 6 0	1931
...	78	21	63	12	96	174	26	326 2 0	1930
2	64	15	49	15	79	143	21	253 0 0	1929
1	9	2	10	2	14	23	...	22 4 0	1931
...	8	1	4	3	8	16	2	16 4 0	1930
...	6	...	6	2	8	14	2	8 0 0	1929
2	73	30	94	23	147	220	20	444 6 0	1931
...	111	39	79	25	143	254	51	589 2 0	1930
2	84	21	73	30	124	208	27	397 8 0	1929
...	124	...	...	1	1	125	18	236 10 0	1931
...	90	...	...	1	1	91	18	191 4 0	1930
...	139	...	...	1	1	140	12	255 12 0	1929
...	...	...	2	1	3	3	1	3 8 0	1931
...	...	...	...	...	...	...	...	.....	1930
...	...	...	...	...	...	...	...	.....	1929
...	...	10	...	...	10	10	10	6 8 0	1931
...	...	8	...	...	8	8	6	6 8 0	1930
...	1	9	...	...	9	10	1	5 8 0	1929
...	1	1	...	...	1	2	...	2 8 0	1931
...	1	...	...	...	...	1	...	.....	1930
...	1	1	...	1	2	3	...	.....	1929
...	125	11	2	2	15	140	29	249 2 0	1931
...	91	8	...	1	9	100	19	197 12 0	1930
...	141	10	...	2	12	153	13	261 4 0	1929

J. F. GENNINGS,

Commissioner for Workmen's Compensation,

Bombay.

APPENDIX A—*contd.*

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Comparative statement of applications for registration of agreements for the years 1931, 1930 and 1929

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	Not registered on account of		Total disposed of	Pending at conclusion	Year
					Inadequacy	Other causes			
Payment of compensation for permanent disablement.	23	306	299	5	1	...	305	23	1931
	25	298	295	3	2	1	301	22	1930
	19	318	309	2	1	...	312	25	1929
Payment of compensation for temporary disablement.	1	3	4	...	...	...	4	...	1931
	...	2	1	...	...	...	1	1	1930
	...	8	8	...	...	...	8	...	1929
Commutation of half-monthly payments.	...	...	...	...	...	...	...	...	1931
	...	2	2	...	...	...	2	...	1930
	...	2	2	...	...	...	2	...	1929

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

Secretariat,
Bombay, 30th May 1932.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Annual Report

on the

Working of the Indian Workmen's Compensation Act, 1923, in the Bombay Presidency (including Sind)

For the Calendar Year 1932

[Price—Anna 1 *or* 1*d.*]

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OF THE
ROYAL ASIATIC SOCIETY.
TOWN HALL, BOMBAY.

No. 897 of 1933.

SECRETARIAT, BOMBAY,
The 11th March 1933.

From

J. F. GENNINGS, ESQ., BAR-AT-LAW, J.P.,
Commissioner for Workmen's Compensation,
Bombay;

To

THE CHIEF SECRETARY TO GOVERNMENT,
Political Department, Bombay.

Subject.—Annual Report on the Working of the Workmen's Compensation Act, 1923, as amended by the Workmen's Compensation (Amendment) Act V of 1929, for the year 1932.

Reference.—G.R., G.D., No. 5498 dated the 27th November 1924.

Sir,

I have the honour to submit the Annual Report on the Working of the Workmen's Compensation Act, 1923, in the Bombay Presidency (including Sind) for the calendar year 1932.

2. I continued in charge of the administration of the Act during the year under report in addition to my other duties as Director of Information and Labour Intelligence, etc.

3. The administration of Aden which was under the control of the Government of Bombay up to 31st March 1932, has been taken, since 1st April 1932, under the immediate authority and management of the Governor General of India in Council. The statistics relating to the administration of the Act in the Settlement of Aden have, therefore, not been included in the report. With this exception there has been no change either in the jurisdiction of the Commissioner, Bombay, or of any of the Ex-Officio Commissioners in the Presidency.

4. During the year under report no amendments were made either in the Act or in the Rules.

5. As in previous years the report is based on the statistical returns and other information supplied by the Commissioners in the Presidency and the returns of accidents and the compensation paid for them submitted by various employers under section 16 of the Act.

Return "A"—Proceedings before the Commissioners.

6. The year opened with 49 applications pending from the previous year of which 20 were for award of compensation under section 10; 18 were for distribution of compensation deposited under section 8 (1) and the remaining 11 were miscellaneous applications.

During the year under review 284 applications were received, of which 273 were filed and 11 were received for disposal from other Commissioners under section 21 (2) of the Act. Including the balance from last year the total number of applications to be disposed of during the year was 333, of which 204 were for award of compensation; 103 were applications for distribution and the remaining 26 were miscellaneous applications. The total number of applications disposed of during the year was 292 leaving a balance of 41. The total number of applications disposed of during 1931 and 1930 was 360 and 354 respectively.

7. Of the total number of 204 applications for award 44 related to accidents resulting in death, 142 in permanent disablement and 18 in temporary disablement. Of these 204 applications one was allowed to be withdrawn; two were dismissed for non-appearance; three were summarily dismissed under rule 21 and 57 were admitted by the opposite party. Of the remaining 141 applications, 30 were allowed in full, 69 in part and 20 were dismissed after contest, thus leaving a balance of 22 applications to be disposed of at the end of the year.

8. In eight of the 50 applications for permanent disablement, in which liability was admitted by the opposite party, deposits had been received under section 8 (1) as compensation payable to women or persons under a legal disability which has to be deposited with the Commissioner and in 37 deposits were made voluntarily under section 8 (2) for compensation payable to other injured workmen. In all these cases before paying out the money the amounts deposited were scrutinized having regard to the monthly wages of the workmen and the extent of incapacity resulting from the injuries sustained and where the compensation deposited was found inadequate, the employers concerned were asked to make up the deficiency which they readily did.

9. In three applications for award, claims for indemnity against contractors under section 12 (1) were received. In two of them awards were made against the employers with further orders for indemnity against the contractors and in the remaining application neither the employer or the contractor were found liable.

10. At the beginning of the year there were 18 applications for distribution pending from the previous year and 85 were received during the year. The total number of applications to be disposed of during the year, including nine applications received for disposal from other Commissioners, was 103, of which 12 were transferred to other Commissioners for disposal as the dependants were living in their jurisdiction and 80 were disposed of by the Commissioners. Of these 80 cases 13 were sent to the Local Revenue Officers under rule 20 of the Workmen's Compensation Rules for recording evidence as to dependants. The year closed with eleven applications pending.

11. Applications for disbursement statements required to be supplied under section 8 (4) were received in three cases. Only in one case did the Insurance Company on behalf of their insured

desire to be made a party to the distribution proceedings. This was a case where the only dependant was an adopted son.

12. The number of miscellaneous applications standing over from last year was 11. Adding to that 15 applications received during the year the total number of applications dealt with was 26. Of these three were applications for review under section 6, 21 were applications for recovery under section 31 and the remaining two were miscellaneous applications for recovery of funeral expenses from the deposits made with the Commissioners, there being no application for commutation of half-monthly payments under section 7 during the year.

13. Of the 21 applications for recovery under section 31, in one compensation was deposited under the orders from the High Court passed on the application for stay of execution to that Court; in nine compensation was deposited on receipt of notices from the Commissioners requiring the employers to deposit the money; in four compensation had to be recovered through the Collectors of the Districts under the Revenue Recovery Act, 1890, as an arrear of land revenue. Although this provision has been specially made in the Act to expedite recovery, cases have occurred in which the compensation has not been recovered by the local revenue officers for long periods, more than two years in one case. The number of applications remaining pending at the end of the year was seven.

14. Of the three applications for review under section 6, one was made by the workman for substituting a lump sum for the half-monthly payments on the ground that the injury had resulted in permanent total disablement. This was allowed. The other two were made by employers. In one, the order for half-monthly payments was set aside and a lump sum payment was ordered, the injury having resulted in permanent partial disablement. The other was made for rectifying an alleged mistake in the calculation of wages and assessment of compensation. This was dismissed.

15. The total amount of court fees recovered on all these applications was Rs. 542 as against Rs. 693-8-0 last year.

Return "B"—Applications for Registration of Agreements.

16. The number of applications filed during the year was 293; with the balance of 23 applications from last year the total number of memoranda of agreements to be registered during the year was 316 of which 306 were in respect of accidents resulting in permanent disablement and ten in respect of temporary disablement. The total number of applications disposed of during the year was 291, in two of which registration was refused on the ground of inadequacy of compensation leaving a balance of 25 applications to be disposed of at the end of the year. In 285 of these 289 applications agreements were registered as filed, and in four they were registered after some modifications. The total compensation paid in respect of these 289 agreements registered during the year amounted to Rs. 63,695 as against Rs. 75,900 last year when the number of agreements registered was 308 and Rs. 81,219 in 1930 when the number was 301.

17. In only 31 cases did the employers or the Insurance Companies secure immediate registration by producing the workmen before the Commissioner although this procedure has been recommended for general adoption in previous reports.

Return "C"—Wage Classes of Workmen.

18. During the year under report compensation was awarded in 234 cases as against 292 in the previous year and 299 in the year 1930. Of these 234 cases, in one the injured person was a minor whose injury resulted in permanent disablement. Of the remaining 233 cases, 14 were in respect of temporary disablement; 116 in respect of permanent disablement and in the remaining 103 cases the injury resulted fatally, as against 19, 128 and 142 respectively last year. As has been noticed in the reports of the last six years the wage class most numerously represented this year was Rs. 25 with Rs. 20 as the next group. The number of workmen getting Rs. 65 or over was 18 as against 23 during last year. In three cases of permanent disablement and eight of death compensation was awarded at the maximum rate.

Compensation deposited with the Commissioners.

19. Although last year's statement showed a balance of Rs. 39,204-12-0 at the end of the year, the opening balance for the year under report was Rs. 38,797-4-0, the difference of Rs. 407-8-0 being due to a mistake made by the Ex-Officio Commissioner, Poona, in his balance last year. The total deposits received during the year were of Rs. 1,44,534-8-0 as against Rs. 1,89,716-5-0 during 1931 and Rs. 2,13,853 in 1930. Including the opening balance of Rs. 38,797-4-0 the total amount to be disbursed during the year was Rs. 1,83,331-13-0 of which Rs. 1,39,696 represented compensation in respect of fatal accidents and Rs. 43,635-13-0 in respect of non-fatal accidents. Of the latter amount Rs. 3,590 were in respect of compensation payable to women and minors and Rs. 40,045-13-0 in respect of other cases of non-fatal accidents. The total amount of compensation paid out during the year was Rs. 1,64,620 of which Rs. 1,25,475 were in respect of fatal accidents, Rs. 3,510 were paid to women or minors and Rs. 35,635 were paid in respect of other cases of non-fatal accidents leaving a balance of Rs. 18,712 at the end of the year.

20. The amount of Rs. 1,64,620 paid out during the year also includes an amount of Rs. 4,100 in respect of five deposits returned to different employers under section 8 (4) as no dependants came forward to claim the money, and Rs. 2,500, being the amount of *ex-gratia* payments deposited with the Commissioners for disbursement amongst claimants although there was no legal liability to pay compensation under the Act. Several cases in connection with two very serious accidents were dealt with during the year under review. One of them was the loss of the S.S. "Kumari", a steamer belonging to the National Steamship Company which sank off Dwarka with eight members of the crew. In all these cases compensation

amounting to Rs. 13,762-8-0 was deposited by the owners of the ship. The other accident occurred on the B. B. & C. I. Railway in 1931 when six men working on the engine of a goods train were washed away by floods. In these cases also compensation amounting to Rs. 6,122-8-0 was deposited by the Railway Company by the end of 1931 which was disbursed during the year.

21. The amount of *ex-gratia* payments made to applicants by employers in cases dismissed after contest was Rs. 725.

Investments under section 8(7).

22. The year opened with 54 accounts open in the Post Office Savings Bank with a total balance of Rs. 28,206. During the year under review only eight new accounts were opened with total deposits of Rs. 7,220 as against 28 accounts opened during last year with total deposits of Rs. 19,306-4-0. The total amount withdrawn including the amount of interest during the year was only Rs. 6,715-9-9 in respect of 47 applications received from the parties as against Rs. 14,104-7-0 during last year when the number of applications received for withdrawal was 57. The number of accounts closed during the year was four as against 19 during last year. The year closed with 58 accounts open with a total balance of Rs. 28,846-5-0.

Returns under section 16—Appendix " A ".

23. By the Government of India Notification issued under this section, the responsibility for submitting returns has been thrown on the employers. It should, however, be noted that returns are not received unless they are asked for. Therefore, as usual, intimations with the forms of return were sent to 1,815 employers. This year returns were received from 1,725 concerns of which 1,719 were in respect of Factories, including Railway Workshops; two in respect of Mines; one in respect of Tramways and the remaining three were in respect of Port Trusts. Of the 1,719 returns in respect of factories, 51 were submitted by Insurance Companies on behalf of their clients. Besides Railways these are the only classes of employers who have been brought within the scope of the said Notification. The number of factories amenable to the Workmen's Compensation Act in the Presidency was approximately 1,815, of which 1,719, i.e., about 95 per cent. submitted returns, the number of factories not submitting returns being only 96. These were mainly small factories like ginning and pressing factories, small gur factories, small printing presses, etc.

24. Of the 1,725 returns received this year, 252 were blank as the factories remained closed during the year either on account of trade depression or for other reasons. One thousand and ninety employers did not report a single accident. In two cases of permanent disablement, although compensation had been paid, no agreements were sent for registration. The attention of the employers concerned was, therefore, invited to the provisions of section 29 of the Act which deals with the effect of failure on the part of the employers to register the agreements.

25. The consolidated statement attached to this report shows that the average number of workmen employed per day in all these concerns during the year was 379,478 adults and 3,599 minors as against 382,320 adults and 5,625 minors during last year and 378,309 adults and 6,073 minors in 1930. The total number of accidents for which compensation has been shown as paid during the year was 2,497, in five of which the injured workmen were minors. Of the remaining 2,492, 31 were fatal accidents, 256 resulted in permanent disablement and 2,205 in temporary disablement as against 3,220, 53, 325 and 2,842 in 1931 and 3,712, 49, 322 and 3,341 in 1930. Of the five accidents to minors, one resulted in permanent disablement and four in temporary disablement. The total amount of compensation paid for all these accidents was Rs. 1,29,798-8-0, of which Rs. 29,067-8-0 was in respect of fatal accidents, Rs. 68,672-6-0 for cases of permanent disablement and Rs. 32,058-10-0 for temporary disablement as against Rs. 1,67,955-10-0; Rs. 51,140, Rs. 78,624-6-0 and Rs. 38,191-4-0 in 1931 and Rs. 1,62,849-5-0, Rs. 43,015, Rs. 81,099-11-0 and Rs. 38,734-10-0 respectively in 1930. It has been pointed out in past reports that the amount of compensation shown in this statement represents only compensation paid by the four classes of employers mentioned above and not by all the employers employing the workmen referred to in Schedule II of the Act. Therefore, it bears no relation either to the compensation awarded by, or the deposits made with, the Commissioners.

26. Although returns in respect of Railway servants are submitted to the Railway Board direct, it would appear from our records that the amount of compensation paid to Railway servants in respect of cases of death and permanent disablement during the year either by way of deposits or under agreements under section 28 comes to Rs. 27,009-9-0. There is no record as to the compensation paid in respect of cases of temporary disablement as those cases are not necessarily required to be referred to the Commissioner.

27. The number of returns submitted by the employers not covered by the Notification under section 16 was only 17 of which five were submitted by Railways in respect of stores, electrical installations and running sheds, two in respect of Telephone employees and the remainder were miscellaneous. The amount of compensation shown in these returns was Rs. 2,597 and the total number of accidents was 40, none of which was fatal. Only one accident resulted in permanent disablement and the remaining 39 in temporary disablement. The amount of compensation paid was Rs. 700.

Comparative Statement—Appendix "B".

28. It will be seen from the statement, Appendix "B", that although last year the number of miscellaneous cases was less than in previous years, the total number of cases has been consistently increasing. There was a further fall in the number of cases filed during the year under report. The total number of applications

fell from 669 to 583 this year, i.e., about 13 per cent. The compensation paid during the year was also less by about Rs. 54,000. Of the 135 contested cases, 46, i.e., about 34 per cent. were allowed in full; 69, i.e., about 51 per cent. were allowed in part and 20, i.e., about 15 per cent. were dismissed.

29. Of the 322 cases filed during the year, 278 or about 89 per cent.; and of the 316 agreements, 277 or about 87 per cent. were received in the Court of the Commissioner, Bombay. Only 53 cases and 39 agreements were filed in the Courts of all the other 22 Ex-Officio Commissioners together. Of these, thirteen cases were filed in the Court of the Commissioner, Karachi; 7 at Sukkur; 5 at Poona; 3 each at Naushahro, Thana and Hyderabad and the remaining 19 cases were distributed amongst the 16 Commissioners. Of the 39 agreements, 14 were received by the Commissioner, Karachi; 8 by Sukkur; 6 by Hubli; 3 by Belgaum; 2 each by Nadiad and Naushahro and one each by Poona, Thana, Nasik and Hyderabad. The Commissioners at Gadag, Alibag, Jacobabad, Ahmednagar, Satara and Ratnagiri had no case of any kind. The Godhra Commissioner had only one original case for distribution and 6 were received for disposal from the Commissioner, Bombay. Sixteen Ex-Officio Commissioners had no contested case at all.

30. Of the total number of 583 applications disposed of during the year, approximately 300 related to accidents in Textile Mills, 60 related to accidents to Railway servants and the remaining 223 to accidents in factories, mines, Tramways, Port Trusts and other industries.

Appeals under section 30.

31. So far as this office is aware, at the beginning of the year there were six appeals pending in the Bombay High Court. All these appeals were against the decisions of the Commissioner, Bombay. Six more appeals were filed during the year, of which five were against the decisions of the Commissioner, Bombay and the other was against the decision of the Commissioner, Thana, giving a total of 12 to be disposed of during the year. Nine appeals were disposed of by the High Court during the year and the remaining three were pending at the end of the year. Of the nine appeals disposed of, one was summarily dismissed under order XLI, rule 11, of the Civil Procedure Code. Four were dismissed after contest as there were no substantial questions of law involved. In two, the Commissioner's decisions were modified—in one by reducing the amount of compensation awarded and in the other by making an order for payment of half-monthly compensation instead of a lump sum. In the remaining two appeals the Commissioner's orders dismissing the applications were reversed and the cases sent back for disposal. Of these two cases, in one the Commissioner's first order was confirmed after the case was re-heard and the other one could not be decided as the record was not received back from the High Court before the end of the year. Of the three appeals that were pending at the end of the year and are still pending, one was filed in 1930.

References under section 27.

32. During the year under report no reference was made to the High Court either by the Commissioner, Bombay, or any other Ex-Officio Commissioners in the Presidency.

Industrial Diseases.

33. Since the introduction of the Act no case of any industrial disease has been referred to the Commissioner nor has any been reported in the employers' returns.

Tours, Local Inspections and Assessors.

34. On five occasions the Commissioner had to go on tour to hear cases in other districts in his jurisdiction. Local inspection was found necessary only in four cases. In no case was the assistance of medical or other assessors invoked.

General Remarks.

35. As usual, the co-operation of the Insurance Companies especially the Millowners' Mutual Insurance Association, the New India Assurance Company, the British India General Insurance Company, the Vulcan Insurance Company and the Commercial Union Assurance Company representing the interest of the employers and of the Textile Labour Association, Ahmedabad, the National Seamen's Union and various claims agencies representing the workers contributed materially to the smooth working of the Act during the year. Insurance Companies usually only contest cases involving questions of law or principle and no doubt when the insuring of workmen's compensation risks become more general with employers, they will take advantage of right of appeal to the High Court in order to bring test cases to clarify the law as has been done in England. Insurance benefits all concerned with the working of the Act and ought to be universally adopted.

36. This year the number of claims settled through the Insurance Companies was 275, i.e., about 47 per cent. of the total number as against 310 last year when the percentage was 50.

37. Through the kind offices of Mr. G. I. Patel, Secretary, Ahmedabad Millowners' Association, the Committee room of the Association was placed at the disposal of the Commissioner for hearing compensation cases whenever he visited Ahmedabad, a courtesy that is much appreciated.

38. The staff of this office, as in previous years, wrote out applications for illiterate workmen and did everything in connection therewith in 57 cases as against 35 during last year in addition to dealing with 47 applications for withdrawing money deposited in the Post Office Savings Bank. Similarly, many persons other than the representatives of the Insurance Companies had informal discussions with the Commissioner in matters of doubt and difficulty. The number of letters received during the year was 3,389

and the number despatched was 4,495 as against 3,281 and 4,724 respectively last year. The further fall in the work in general was presumably due this year also to general trade depression, for the Act itself is getting more widely known.

39. Although the number of industrial disputes in the Presidency during the year under review was 53 there was no big strike or lock out involving long stoppage of work.

40. I was greatly assisted during the year by the good work done by my head clerk Mr. Marathe.

I have the honour to be,
Sir,
Your most obedient servant,

J. F. GENNINGS,
Commissioner for Workmen's
Compensation, Bombay.

Return A

WORKMEN'S COMPENSATION

Proceedings before the Commissioners for Workmen's Compensation

Return of cases filed

1. Application for the registration of agreements should not be

2. Proceedings should only be entered under distribution if they employer is a party they should be shown under Award of Com

Applications for	Pending at commencement	Filed	Transferred to other Commissioners for disposal	Received for disposal from other Commissioners	NOT CONTESTED			
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 21	Dismissed under Rule 22
Award of compensation (under section 10):—								
Fatal accidents ...	9	34	...	1	...	...	1	..
Permanent disablement	11	130	...	1	1	2	1	...
Temporary disablement	...	18	...	...	...	...	1	...
Total ...	20	182	...	2	1	2	3	...
Distribution (under section 8)	18	76	12	9	...	2	...	...
Commutation (under section 7)	...	...	...	...	...	...	...	...
Review (under section 6) .	1	2	...	...	...	...	1	...
Recovery of compensation (under section 31) .	10	11	...	...	...	...	...	...
Others	...	2	...	...	...	...	...	...
Total ...	29	91	12	9	...	2	1	...
Grand Total ...	49	273	12	11	1	4	4	...

Secretariat,

Bombay, 11th March 1933.

ACT (VIII OF 1923)

in the Bombay Presidency for the year ending 31st December 1932

entered in this statement.

are confined to dependants of the deceased workman; where the pensation: Fatal accidents [*cf.* Rule 6 (2)].

			Contested						
Admitted by opposite party	Allowed *ex-parte*	Total	Allowed	Allowed in part	Dismissed	Total	Total disposed of	Pending at conclusion	Court fees paid
									Rs. a. p.
5	...	6	7	13	8	28	34	10	112 10 0
50	...	54	20	47	10	77	131	11	245 6 0
2	...	3	3	9	2	14	17	1	16 0 0
57	...	63	30	69	20	119	182	22	374 0 0
78	...	92	...	...	...	...	92	11	158 0 0
...	...	...	...	...	...	...	...	...	.....
...	...	1	2	...	...	2	3	...	3 0 0
...	...	...	14	...	...	14	14	7	6 8 0
1	...	1	...	...	...	...	1	1	0 8 0
79	...	94	16	...	...	16	110	19	168 0 0
136	...	157	46	69	20	135	292	41	542 0 0

J. F. GENNINGS,

Commissioner for Workmen's Compensation,

Bombay.

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Registration of agreements by the Commissioners for Workmen's Compensation in the Bombay Presidency for the year ending 31st December 1932.

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	Not registered on account of		Total disposed of	Pending at conclusion
					Inadequacy	Other causes		
Payment of compensation for permanent disablement ...	23	283	275	4	2	...	281	25
Payment of compensation for temporary disablement ...	...	10	10	...	...	...	10	...
Commutation of half-monthly payments .	...	...	...	...	...	...	...	...
Total ...	23	293	285	4	2	...	291	25

J. F. GENNINGS,

Commissioner for Workmen's Compensation,

Bombay.

Secretariat,

Bombay, 11th March 1933.

Return C

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation in the Bombay Presidency for the year ending 31st December 1932.

Number of persons in each wage-class to whom compensation was awarded

[Commutation, Review, etc., cases should be excluded]

	Assumed wage (*see* Schedule IV)	Number of Persons			
		For temporary disablement	For permanent disablement	For fatal accidents	Total numbers
ADULTS.	Rs. a. p.				
	8 0 0	.....	.....	.....	.....
	10 0 0	.....	.....	.....	.....
	12 0 0	.....	3	3	6
	15 4 0	1	12	14	27
	20 0 0	.....	21	15	36
	25 0 0	2	22	24	48
	30 0 0	1	16	12	29
	35 0 0	3	8	6	17
	40 0 0	3	12	5	20
	46 4 0	2	9	9	20
	55 0 0	1	6	5	12
	65 0 0	}	3	1	}
	75 0 0	1	1	1	18
	83 5 4	}	3	8	}
	Total, Adults ...	14	116	103	233
MINORS.	Rs. a. p.				
	8 0 0	.....	1	(Enter under total only.)	1
	10 0 0	.....	.....		.....
	12 0 0	.....	.....		.....
	15 4 0	.....	.....		.....
	20 0 0	.....	.....		.....
	25 0 0	.....	.....		.....
	30 0 0	.....	.....		.....
	35 0 0	.....	.....		.....
	40 0 0	.....	.....		.....
	46 4 0	}	.....	}	}
	55 0 0	}	.....	}	}
	65 0 0	.....	.....	.....	.....
	75 0 0	}	.....	}	}
	83 5 4	}	.....	}	}
	Total, Minors ...	.....	1	.....	1
	Grand Total ...	14	117	103	234

J. F. GENNINGS,

Commissioner for Workmen's Compensation,

Bombay.

Secretariat,

Bombay, 11th March 1933.

APPENDIX

WORKMEN'S

Consolidated statement of Returns furnished by Employers

Province—Bombay

	Numbers employed	Accidents			
		Numbers resulting in			Compensation
		Death	Permanent disablement	Temporary disablement	Death
					Rs. a. p.
Factories					
Adults ...	3,73,568	29	253	2,126	27,417 8 0
Minors ...	3,590	.....	1	4	.....
Mines					
Adults ...	73	.....	.....	.....	.....
Minors ...	2	.....	.....	.....	.....
Tramways					
Adults ...	3,121	2	2	61	1,650 0 0
Port Trusts					
Adults ...	2,716	.....	1	18	.....
Minors ...	7	.....	.....	.....	.....
Total, Adults ...	3,79,478	31	256	2,205	29,067 8 0
Total, Minors ...	3,599	.....	1	4	.....

Secretariat,

Bombay, 11th March 1933.

A

COMPENSATION

relating to period from 1st January to 31st December 1932

Presidency

Diseases							
paid for		Numbers resulting in			Compensation paid for		
Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
Rs. a. p.	Rs. a. p.						
66,401 10 5	31,151 11 3	...	.....	.....	...	.....	.....
60 8 0	49 1 4	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
2,021 4 0	604 8 0	...	.....	.....	...	.....	.....
189 0 0	253 5 0	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
68,611 14 5	32,009 8 3	...	.....	.....	...	.....	.....
60 8 0	49 1 4	...	.....	.....	...	.....	.....

J. F. GENNINGS,

Commissioner for Workmen's Compensation,

Bombay.

APPENDIX B.

Statement showing the number of cases disposed of, compensation paid and the deposits held in the Post Office Savings Bank during the years from 1925 to 1932.

Year.	Not contested.			Contested.	Total No. of cases.	Total compensation paid during the year excluding that paid for non-contested cases of temporary disablement.	Post Office Savings Bank Accounts.	
	Agreements.	Distribution cases.	Other cases including those in which claims were conceded after applications were filed.				No. of Accounts open at the end of the year.	Total deposits at the end of the year.
						Rs.		Rs. a. p.
1925 ...	115	102	53	60	330	1,44,300	.....	.....
1926 ...	206	89	51	153	499	1,85,050	.....	.....
1927 ...	235	144	68	116	563	2,27,675	.....	.....
1928 ...	252	108	61	130	551	2,31,675	.....	.....
1929 ...	329	139	86	136	683	2,62,110	11	6,407 0 0
1930 ...	304	90	112	152	658	2,74,215	45	22,803 4 0
1931 ...	309	124	74	162	669	2,60,000	54	28,206 0 0
1932 ...	201	92	65	185	583	2,06,375	58	28,846 0 0

Secretariat,

Bombay, 11th March 1933.

J. F. GENNINGS,

Commissioner for Workmen's Compensation,

Bombay.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Annual Report

on the

Working of the Indian Workmen's Compensation Act, 1923, in the Bombay Presidency (including Sind)

For the Calendar Year 1933

[Price Anna 1 or 1*d*.]

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No. 1368 of 1934.

SECRETARIAT, BOMBAY :
The 21st May 1934.

From

J. F. GENNINGS, ESQ., C.B.E., BAR-AT-LAW, J.P.,
Commissioner for Workmen's Compensation,
Bombay ;

To

THE CHIEF SECRETARY TO GOVERNMENT,
Political and Reforms Department,
Bombay.

Subject—Annual Report on the Working of the Workmen's Compensation Act, 1923, as amended by the Workmen's Compensation (Amendment) Act V of 1929 for the year 1933.

Reference—G.R., G.D., No. 5498, dated the 27th November 1924.

Sir,

I have the honour to submit the annual report on the working of the Workmen's Compensation Act, 1923, in the Bombay Presidency (including Sind) during the calendar year 1933.

2. I continued in charge of the administration of the Act during the year under report in addition to my other duties as Commissioner of Labour and Director of Information, excepting the period I was on leave from the 13th March to 5th October when Mr. E. W. Perry, C.I.E., I.C.S., held charge of the office. The number of Ex-Officio Commissioners remained the same as last year. Their respective jurisdictions remained unchanged.

3. The Bill further to amend the Workmen's Compensation Act, 1923, was passed into law in September last being Act XV of 1933. None of its provisions came into force during the year under report.

4. As in previous years, this report is based upon statistics supplied by the Commissioners for Workmen's Compensation in the Presidency and the various employers covered by the Notification issued under section 16 of the Act.

Return "A"—Proceedings before the Commissioners.

5. The total number of applications to be disposed of during the year was 343 as against 333 in 1932 and 409 in 1931 of which 42 were pending at the beginning of the year, seven were received from other Commissioners for disposal and 294 were new applications. Last year's report, however, showed only 41 applications for disposal at the end of the year, the difference of one being due to a mistake made by one of the

Ex-Officio Commissioners. A case shown under " others " last year has this year been correctly shown under permanent disablement.

6. Of these 343 applications, 167 were in respect of injuries resulting in death, 123 in permanent disablement, 29 in temporary disablement and the remaining 24 were miscellaneous applications.

7. Of the 167 applications relating to fatal accidents 69 were applications for an award under section 10 and the remaining 98 were applications for distribution of deposits voluntarily made by employers under section 8 (1) of the Act. Of the 123 cases resulting in permanent disablement, 90 were applications for award and in the remaining 33 cases the employers made deposits under section 8 (2) without contest. All the 29 cases relating to temporary disablement were for award of compensation.

8. Of the total number of 343 applications, sixteen were transferred to other Commissioners for disposal, one was allowed to be withdrawn, three were dismissed for non-appearance, three were summarily dismissed under Rule 21, 116 were admitted by opposite party, one was allowed *ex-parte* and the remaining 156 applications were contested applications of which 44 were allowed in full, 73 in part and 39 were dismissed, leaving a balance of 47 applications to be disposed of at the end of the year. The above figures show that 52 per cent. of the total number of cases that came before the Commissioners were contested, 25 per cent. of which were dismissed.

9. In three, out of the 156 contested applications indemnification under section 12 by principals against contractors was claimed. In two, the claims were allowed and in the other the claim was dismissed as the employer concerned failed to prove the alleged contract.

10. Of the total number of 98 applications for distribution, 14 were transferred to other Commissioners for disposal and two for report under section 21. Seventeen were sent to the Local Revenue Officers for recording evidence under Rule 20 of the Workmen's Compensation Rules. The remaining 65 applications were disposed of by the Commissioners at their headquarters. In ten cases disbursement statements under section 8 (4) were asked for and supplied. In no case did the employer desire to be made a party to distribution proceedings during the year.

11. Of the 24 miscellaneous applications, one was for commutation of half-monthly payments under section 7, the first of its kind since the introduction of the Act in 1924. This application was made with the consent of both the parties. There were three applications for review and the remainder were for recovery of compensation under section 31 of the Act.

12. Of the 20 applications for recovery, nine were allowed and three were dismissed, the applicants having taken no further steps. The number of applications remaining undisposed of at the end of the year was eight. In six cases compensation was deposited after first notice. In three it had to be recovered through Collectors, in one of which

compensation could be recovered only in part and in the remaining three cases no recovery could be made.

13. The Court fees recovered on all these applications amounted to Rs. 557-8-0 as against Rs. 542 the previous year and Rs. 693-8-0 in 1931.

Return "B"—Applications for Registration of Agreements.

14. The year opened with 26 applications pending from the previous year, one more than shown in the report for 1932, the difference being due to the omission of one case by an Ex-Officio Commissioner. During the year under report, 352 applications were received making 378. Of these applications, 376 were for payment of compensation for permanent disablement and the other two were in respect of temporary disablement. Agreements in 355 cases of permanent disablement and two of temporary disablement were registered as filed during the year. In three cases of permanent disablement, agreements were registered after certain modifications. In two, registration was refused as the compensation agreed upon was inadequate, leaving a balance of 16 agreements to be registered at the end of the year.

15. The total amount of compensation paid in respect of these 360 agreements registered during the year was Rs. 86,585 as against Rs. 63,695 for 289 agreements last year and Rs. 75,900 in 1931 when the number of agreements registered was 308.

Return "C"—Wage Classes of Workmen.

16. During the year under report compensation was awarded in 222 cases as against 234 in the previous year and 292 in 1931. In two of these 222 cases the injured persons were minors. In one the injury resulted in permanent disablement and the other in death. Of the remaining 220 cases, 20 were in respect of temporary disablement, 98 of permanent disablement and 102 of death. As has been noticed in the reports of the last seven years, the wage class most numerously represented this year was again Rs. 25 with Rs. 20 as the next group. The number of workers getting Rs. 65 or over was 22 as against 18 during last year. In eleven cases of permanent disablement and three of death compensation was allowed at the maximum rate.

Returns under Section 16—Appendix "A".

17. As in previous years forms of returns together with memo. of instructions were issued to 1,876 concerns of which 1,686 concerns i.e., about 90 per cent. submitted returns. Forms sent to 38 concerns were received back undelivered. Of these 1,686 returns, 1680 were received from Factories including Railway Workshops, two from Mine-owners, two from Tramways and the remaining two from Port Trusts. The number of factories not submitting returns was 156.

Of the 1,686 returns received, 191 were blank, the factories having been closed during the year. One thousand, one hundred and thirty-four employers did not report even a single accident. In 50 cases the returns were submitted by Insurance Companies on behalf of employers.

18. The consolidated statement attached to the report shows that the average number of workmen employed per day in all these concerns during the year was 3,56,745 adults and 3,803 minors. The total number of accidents during the year was 2,351 in two of which the injured persons were minors. Of the remaining 2,349 cases of accidents, 42 resulted fatally, 296 in permanent disablement and 2,011 in temporary disablement. The total amount of compensation paid by employers during the year was Rs. 1,39,289 of which Rs. 35,031 were in respect of fatal accidents, Rs. 74,539 for cases of permanent disablement and Rs. 29,719 for temporary disablement as against 3,79,478 adults and 3,599 minors employed last year when the total number of accidents was 2,497 and the total amount of compensation paid was Rs. 1,29,798.

19. One case of permanent total disablement from an industrial disease—lead poisoning—the first of its kind since July 1924 when the Act came into force was reported by the Government Central Press.

The number of returns not coming within the purview of the Notification under section 16 was 30 of which nine were submitted by Railways in respect of stores, electrical installations, running sheds etc., two were submitted by Telephone Companies and the remainder were miscellaneous concerns. The total number of workmen employed per day in these thirty concerns was 5,884 of whom ten were minors. The total number of accidents was 36 of which two were fatal. The total compensation paid was Rs. 1,869.

20. As the Notification requires that returns relating to Railway servants should be submitted to the Railway Board direct, information as to the number of accidents and compensation paid in respect of this class of workmen is not included in the consolidated statement. The office records, however, show that in 29 cases of fatal accidents and 33 of permanent disablement, compensation amounting to Rs. 21,924 and Rs. 11,123 respectively was paid by different Railway administrations on account of Railway servants. There are no means of ascertaining cases of temporary disablement and the amount of compensation paid for them. Had the above figures been included in the employers' returns the total number of accidents would have been 2,413 and the total amount of compensation Rs. 1,72,336.

Deposits under Section 8 (1) and 8 (2).

21. The opening balance according to last year's report should have been Rs. 18,712. But the actual balance shown this year at the beginning of the year is Rs. 19,712, the difference of Rs. 1,000 being due to an error by one of the Ex-Officio Commissioners. Deposits received during the year amounted to Rs. 1,40,054 making a total of Rs. 1,59,766 disposed of as follows :—

Rs. 1,01,980 were paid out in respect of cases of fatal accidents, Rs.8,017 under section 8 (1) to women or minors and Rs. 35,223 to other injured workmen leaving a balance of Rs. 14,546 undisposed of at the end of the year.

22. During the year Rs. 1,137–8–0 were returned to employers in respect of two deposits under section 8 (4), there being no dependants to claim the amounts.

Investments under Section 8 (7).

23. At the beginning of the year there were 58 Post Office Savings Bank Accounts open with a total balance of Rs. 28,846. During the year under report, 49 new accounts were opened with total deposits of Rs. 27,464. The number of accounts closed during the year was eleven. Applications for withdrawing money were received from 79 persons covering payments to the extent of Rs. 10,961, including interest, as against Rs. 6,716 withdrawn during 1932 when the number of applications was 47. At the end of the year there were 96 accounts open with a total balance of Rs. 45,660.

Comparative Statement—Appendix "B".

24. It will be seen from the statement Appendix "B" that, in spite of the general trade depression there was an increase under practically all the heads into which the work of administering the Act is divided. The total number of cases disposed of during the year rose from 583 to 658 i.e., by about 13 per cent. as compared with last year's figures. Excluding agreements, which showed a marked increase, the number of other non-contested cases showed a slight fall which was, however, accounted for by a slight increase in the number of contested cases. The amount of compensation paid during the year also rose from Rs. 2,06,375 to Rs. 2,31,805. The number of Post Office Savings Bank Accounts rose from 58 to 96 and the deposits from Rs. 28,846 to Rs. 45,660.

25. Of the 336 cases filed during the year in the Courts of all the Commissioners in the Presidency, 275 i.e., about 82 per cent. and of the 378 agreements, 338, i.e., about 90 per cent. were received in the Court of the Commissioner, Bombay. Only 61 cases and 40 agreements were filed in the Courts of all the other 22 Ex-Officio Commissioners together. Of these, 22 cases and 10 agreements were filed in the Court of the Ex-Officio Commissioner, Karachi, 11 cases and 13 agreements in the Court of the Ex-Officio Commissioner, Sukkur (almost all from accidents arising out of the building of the Sukkur Barrage); four cases and six agreements at Hyderabad and the remaining 24 cases and 11 agreements were distributed among the fourteen other Commissioners. Five Ex-Officio Commissioners had no case of any kind. The Commissioners at Satara and Godhra had only one case each, received for disposal from other Commissioners.

Of the total number of 640 cases, excluding the 18 miscellaneous cases disposed of during the year, approximately 300 related to accidents in the Textile Mills, 65 related to accidents to Railway servants and the remaining 275 related to accidents in other industries.

Appeals under Section 30 and References under Section 27.

26. According to information received from the Commissioners in the Presidency, there were only three appeals pending of which two were against decisions of the Commissioner, Bombay, and the other from Thana. Five more were filed during the year, of which three were from Bombay, one from Nasik and one from Karachi, which was filed in the Court of the Judicial Commissioner, Sind. Of the total number of eight appeals, seven were disposed of during the year. Two of these—one from Bombay and the other from Nasik—were allowed to be withdrawn, the employers concerned having paid the dependents full compensation as an *ex-gratia* payment. In one the order of the lower Court was set aside and the case sent back to the Commissioner, Bombay, for disposal on evidence to be adduced by the parties. The Commissioner after hearing evidence confirmed his previous decision. In one the order of the lower Court was varied by reducing the amount of compensation and three were dismissed. This left one appeal to be disposed of at the end of the year.

No reference was made to the High Court during the year.

Industrial Diseases.

27. As stated in paragraph 19 above one case of lead poisoning was reported. No case has, however, so far come before any Commissioner for decision.

Tours, Local Inspections and Assessors.

28. On five occasions the Commissioner, Bombay, had to go on tour to hear cases in other districts in his jurisdiction. Visits to the scenes of accidents were necessary in eight cases. The assistance of a medical assessor had to be invoked on only two occasions.

Summary.

29. To sum up, the total number of cases dealt with during the year by the Commissioners in the Presidency, including those of agreements, was 658 of which 16 were miscellaneous cases such as applications for commutation of half-monthly payments. Of the remaining 642 cases, 144 were cases of fatal accidents, 473 were of permanent disablement and the remaining 25 were in respect of temporary disablement.

The total compensation paid during the year was approximately Rs. 2,31,805 (Rs. 1,45,220 of this total passed through the hands of the Commissioners) of which Rs. 1,01,980 were in respect of fatal accidents, Rs. 1,28,340 in respect of permanent disablement and Rs. 1,485 in respect of temporary disablement.

General Remarks.

30. The administration of the Act worked smoothly during the year. This was facilitated by the fact that in about 47 per cent. of the cases the employers were represented by Insurance Companies. In Bombay City, the National Seamen's Union was the only Union that represented

the cases of workmen, but in Ahmedabad the great majority of the cases were handled by the Textile Labour Union—a circumstance which was of definite advantage not only to the worker but to the employers and the Commissioner, because much time and trouble was saved to everybody. The most troublesome people are some of the small employers. They do not insure and when an accident occurs, endeavour to avoid liability. They engage a pleader who takes a hasty glance of the Act, which he has probably never seen before, and puts down in his written statement most of the defences available under the Act. These, when the case is heard, prove to have no substance and then when an award is made the employer asks for time to pay the amount. With the extension of the Act which comes into force on 1st July 1934 and brings a large number of small concerns within the Act, it is to be feared that this sort of thing will increase.

31. The Ahmedabad Millowners' Association through their Secretary, Mr. G. I. Patel, were again good enough to place the Committee Room of the Association at the disposal of the Commissioner when he heard cases at Ahmedabad—a courtesy that is much appreciated.

32. The Office staff gave every assistance possible to injured workmen or their dependents. In 47 cases applications for compensation were drawn up by the staff, in addition to applications for withdrawing money from the Savings Bank, etc., Letters, inward and outward, showed an increase over the previous year.

I have the honour to be,

Sir,

Your most obedient servant,

J. F. GENNINGS,

Commissioner for Workmen's Compensation, Bombay.

Return A

WORKMEN'S COMPENSATION

Proceedings before the Commissioners for Workmen's Compensation

Return of cases filed

Applications for	Pending at commencement	Filed	Transferred to other Commissioners for disposal	Received for disposal from other Commissioners	NOT CONTESTED			
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 21	Dismissed under Rule 22
Award of compensation (under section 10) :—								
Fatal accidents ...	19	59	2	...	1	2	1	..
Permanent disablement	13	109	...	1	...	1	2	...
Temporary disablement	1	28	...	...	...	...	...	...
Total ...	24	196	2	1	1	3	3	...
Distribution (under section 8)	11	81	14	6	...	...	...	...
Commutation (under section 7)	...	1	...	...	...	...	...	...
Review (under section 6) .	...	3	...	...	...	...	...	...
Recovery of compensation (under section 31) .	7	13	...	...	...	...	...	...
Others	...	...	...	...	...	...	...	...
Total ...	18	98	14	6	...	...	...	...
Grand Total ...	42	294	16	7	1	3	3	...

Secretariat :

Bombay, 21st May 1934.

ACT (VIII OF 1923)

for the Bombay Presidency for the year ending 31st December 1933

			CONTESTED						
Admitted by opposite party	Allowed *ex-parte*	Total	Allowed	Allowed in part	Dismissed	Total	Total disposed of	Pending at conclusion	Court fees paid
									Rs. a. p.
8	...	14	5	17	21	43	57	12	202 0 0
33	1	37	19	46	11	76	113	10	205 2 0
1	...	1	9	10	3	22	23	6	12 8 0
42	1	52	33	73	35	141	193	28	419 10 0
73	...	87	...	...	...	...	87	11	125 14 0
1	...	1	...	...	...	...	1	...	.....
...	...	...	2	...	1	3	3	...	4 0 0
...	...	...	9	...	3	12	12	8	8 0 0
...	...	...	...	...	...	...	...	...	.....
74	...	88	11	...	4	15	103	19	137 14 0
116	1	140	44	73	39	156	296	47	557 8 0

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Registration of agreements by the Commissioners for Workmen's Compensation for the Bombay Presidency for the year ending 31st December 1933.

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	NOT REGISTERED ON ACCOUNT OF		Total disposed of	Pending at conclusion
					Inadequacy	Other causes		
Payment of compensation for permanent disablement ...	26	350	355	3	2	...	360	16
Payment of compensation for temporary disablement ...	...	2	2	...	...	...	2	...
Commutation of half-monthly payments .	...	...	...	...	...	...	...	...
Total ..	26	352	357	3	2	...	362	16

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat :
Bombay, 21st May 1934.

Return C

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation for the Bombay Presidency for the year ending 31st December 1933.

Number of persons in each wage-class to whom compensation was awarded

	Assumed wage (*see* Schedule IV)	Number of Persons			
		For temporary disablement	For permanent disablement	For fatal accidents	Total numbers
ADULTS.	Rs. a. p.				
	8 0 0	.....	.....	1	1
	10 0 0	.....	2	2	4
	12 0 0	.....	.....	4	4
	15 4 0	.....	5	14	19
	20 0 0	1	14	15	30
	25 0 0	2	20	24	46
	30 0 0	4	11	10	25
	35 0 0	1	10	6	17
	40 0 0	3	4	7	14
	46 4 0	6	9	7	22
	55 0 0	3	7	6	16
	65 0 0	}	3	1	} 22
	75 0 0		2	2	
	83 5 4		11	3	
	Total, Adults ...	20	98	102	220
MINORS.	Rs. a. p.				
	8 0 0	.....	1		1
	10 0 0	.....	.....		.....
	12 0 0	.....	.....		.....
	15 4 0	.....	.....		.....
	20 0 0	.....	.....		.....
	25 0 0	.....	.....		.....
	30 0 0	.....	.....		.....
	35 0 0	.....	.....		.....
	40 0 0	.....	.....		.....
	46 4 0	}	.....	}	}
	55 0 0		.....		
	65 0 0	.....	.....		.....
	75 0 0		.....		
	83 5 4		.....		
	Total, Minors ...	.....	1	1	1
	Grand Total ...	20	99	103	221

J. F. GENNINGS,

Commissioner for Workmen's Compensation, Bombay.

Secretariat:

Bombay, 21st May 1934.

APPENDIX

WORKMEN'S

Consolidated statement of Returns furnished by Employers

Province—Bombay

	Average Numbers employed per day	Accidents			
		Cases of			Compensation
		Death	Permanent disablement	Temporary disablement	Death
Factories					Rs. a. p.
Adults ...	3,50,253	41	294	1,922	34,281 5 0
Minors ...	3,799	.....	.....	2	.....
Mines					
Adults ...	82	.....	1	.....	.....
Minors ...	4	.....	.....	.....	.....
Tramways					
Adults ...	3,259	1	1	72	750 0 0
Minors ...	.....	.....	.....	.....	.....
Port Trusts					
Adults ...	3,151	.....	.....	17	.....
Minors ...	.....	.....	.....	.....	.....
Total, Adults ...	3,56,745	42	296	2,011	35,031 5 0
Total, Minors ...	3,803	.....	.....	2	.....

Secretariat :

Bombay, 21st May 1934.

A

COMPENSATION

relating to period from 1st January to 31st December 1933

Presidency

		Occupational Diseases					
paid for		Cases of			Compensation paid for		
Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
Rs. a. p.	Rs. a. p.						
71,832 4 0	28,782 7 6	...	1	.....	...	2,310	.....
.....	17 10 0	...	.....	.....	...	.....	.....
1,470 0 0	.....	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
1,237 0 0	772 14 7	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
.....	145 6 0	...	.....	.....	...	.....	.....
.....	.....	...	.....	.....	...	.....	.....
74,539 4 0	29,700 12 1	...	1	.....	...	2,310	.....
.....	17 10 0	...	.....	.....	...	.....	.....

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

APPENDIX B.

Statement showing the number of cases disposed of, compensation paid and the deposits held in the Post Office Savings Bank during the years from 1925 to 1933.

Year.	Not contested.			Contested.	Total No. of cases.	Total compensation paid during the year excluding that paid for non-contested cases of temporary disablement.	Post Office Savings Bank Accounts.	
	Agreements.	Distribution cases.	Other cases including those in which claims were conceded after applications were filed.				No. of Accounts open at the end of the year.	Total deposits at the end of the year.
						Rs.		Rs. a. P.
1925 ...	115	102	53	60	330	1,41,300	.....	.....
1926 ...	206	89	51	153	499	1,85,050	.....	.....
1927 ...	235	144	68	116	563	2,27,675	.....	.....
1928 ...	252	108	61	130	551	2,31,675	.....	.....
1929 ...	313	137	86	136	683	2,62,110	11	6,107 0 0
1930 ...	304	90	119	152	668	2,74,215	45	22,803 4 0
1931 ...	309	124	74	162	669	2,60,000	54	28,206 0 0
1932 ...	291	92	65	135	583	2,06,375	58	28,846 0 0
1933 ...	362	87	53	156	658	2,31,805	96	45,660 0 0

Secretariat :

Bombay, 21st May 1934.

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

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on the

Working of the Indian Workmen's Compensation Act, 1923, in the Bombay Presidency (including Sind)

For the Calendar Year 1935

[Price—Anna 1

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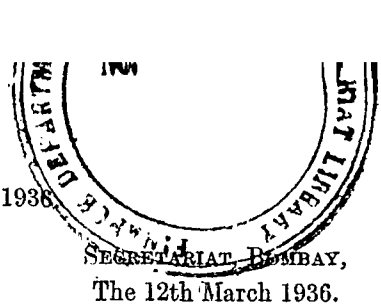

No. 1071 of 1936.

SECRETARIAT, BOMBAY,
The 12th March 1936.

From

J. F. GENNINGS, Esquire, C.B.E., Bar-at-Law, J.P.,
Commissioner for Workmen's Compensation,
Bombay ;

To

THE CHIEF SECRETARY TO GOVERNMENT,
Political and Reforms Department,
Bombay.

Subject :—Annual Report on the Working of the Workmen's Compensation Act, 1923, for the year 1935.

Reference :—G.R., G.D., No. 5498, dated the 27th November 1924.

Sir,

I have the honour to submit the Eleventh Annual Report on the working of the Workmen's Compensation Act, 1923, in the Bombay Presidency (including Sind) during the year 1935, which is the first report on the administration of the revised Act for a complete year.

2. I continued in charge of the administration of the Act during the year in addition to my duties as Commissioner of Labour and Director of Information. The number of the Ex-Officio Commissioners in the Presidency remained the same as last year and there was no change either in the jurisdiction of the Commissioner, Bombay, or of any of the Ex-Officio Commissioners.

Amendments in the Act and Rules.

3. The only amendment in the Act during the year was the addition to Schedule II, of persons employed, otherwise than in a clerical capacity, in the occupations of (*a*) the felling or logging of trees, (*b*) the transport of timber by inland waters, (*c*) the control or extinguishing of forest fires and (*d*) elephant catching operation.

4. The Workmen's Compensation (Transfer of Money) Rules which had been under consideration were finally published during the year. They are called the Workmen's Compensation (Transfer of Money)

Rules, 1935. These Rules prescribe the procedure for the transfer to any part of His Majesty's Dominions or to any other country, of money deposited with a Commissioner under the Act, for the benefit of any person residing or about to reside in such part or country and *vice versa*. There was no other change in the Rules during the year.

5. The report is based as usual upon statistics collected from the Commissioners for Workmen's Compensation in the Presidency, as to proceedings before them, and from employers amenable to the Government of India Notification issued under section 16, as to the number of accidents occurring on their establishments and the compensation paid therefor.

Return " A ".—Proceedings before the Commissioners.

6. The form of this return was revised during the year. The old form gave particulars only as regards the actual proceedings before the Commissioners. But in the revised form provision has been made for the inclusion of voluntary deposits thus giving a complete picture of all the matters dealt with by the Commissioners. As applications for distribution arise out of voluntary deposits for fatal accidents, those applications that were pending at the end of last year have now been shown as pending under cases of deposits, section 8 (1) (fatal accidents).

7. The number of cases pending at the beginning of the year under report was 58 and those received during the year numbered 412, an increase of 110, i.e. 36 per cent. on the low figure of 302 of 1934. The total number of cases dealt with during the year was thus 470 of which 238 were cases of award, 43 were miscellaneous proceedings and 189 voluntary deposits.

8. Of the 238 cases of award, 78 were in respect of fatal accidents, 105 of permanent disablement and 55 of temporary disablement. Of the 189 deposits, 144 were for fatal accidents and 45 for non-fatal accidents of which 10 were in respect of accidents to women and minor workmen and the rest to other workers. Of these 45 deposits 41 were in respect of permanent disablement and 4 of temporary disablement. It will thus be seen that the total number of cases in respect of fatal accidents, permanent disablement and temporary disablement dealt with in this return come to 222, 146 and 59 respectively excluding the 43 miscellaneous applications.

9. Of the 238 cases of award, 3 were transferred to other Commissioners, for disposal, one was withdrawn and three summarily dismissed before issuing notices to the other side. In the remaining 231, a *prima facie* case having been made out, notices were issued to other parties.

10. In 43 of these 231 cases, liability was admitted while the remaining 188 were contested. In 46 of these, compensation was allowed in full; in 82 in part; and 24 were dismissed leaving a balance of 36 to be disposed of at the end of the year.

11. Of the 189 cases of voluntary deposits, in 124 compensation was distributed after enquiry to persons proved to be dependants under the Act and to injured workmen. Deposits were refunded to employers in nine cases of fatal accidents, there being no dependants, and in one of non-fatal accident, as the claimant could not be traced.

12. Of the 43 miscellaneous applications, 14 were for review of orders for half-monthly payments made in the cases of temporary disablement shown above. In 12 such cases the claim was allowed in full and, in the remaining two, in part. Twenty-eight were applications for recovery, under section 31, of compensation not deposited in pursuance of awards made. In 21, recovery was made, either through Collectors or otherwise. In the remaining four no recovery could be made owing to the insolvency of the employers.

13. The total number of cases disposed of during the year was 413 as against 295 last year and 296 in 1933. Indemnity under section 12 was claimed in six cases, in four of which the claim was granted.

14. The court fees paid on all these applications amounted to Rs. 657 as against Rs. 528 last year.

Return " B ".—Cases of Agreements.

15. In all, 409 agreements came before the Commissioners for registration of which 30 were pending from last year and 379 were received during the year. Of these 409, 399 were in respect of permanent disablement and ten of temporary disablement, there being no agreement tendered for commutation of half-monthly payments. The total number of agreements disposed of during the year was 380, of which 366 were registered without any modification and twelve were registered after some modification. Registration was refused in two cases and the remaining 29 were pending at the end of the year. The total compensation paid in the 378 agreements that were registered was Rs. 87,738 as against Rs. 74,677 last year when the agreements registered numbered 336.

Return " C ".—Wage Classes of Workmen.

16. The form of this return has also been revised and a separate column provided for showing the cases of women. The cases of minors have been deleted from this return. The total number of persons getting compensation (excluding the cases of agreements shown in the return " B ") was 291, of which 273 were men and 18 women. Of these 291 cases, 123 were cases of fatal accidents, 118 of permanent disablement and the remaining 50 of temporary disablement. The wage classes most numerously represented this year were Rs. 21 and Rs. 40 with Rs. 30 as the next group as against Rs. 20 and Rs. 40 respectively last year. The number of persons getting compensation at Rs. 60 was 25 this year as against 15 last year. The number of persons getting Rs. 65 and above was 11 as against 21 last year. Compensation was allowed at the maximum rate in only one case. As the wage classes in this return are according to the revised Act full comparisons with previous years are not possible.

Reports of Fatal Accidents under Section 10-B and Notices issued under Section 10-A.

17. In addition to the 20 reports that were under investigation at the end of the last year information was received in respect of 124 cases of fatal accidents during the year, of which eight were dealt with by the Ex-officio Commissioners and 116 by the Commissioner, Bombay. In 5 of these, employers submitted reports under section 10-B and in the remaining 59 information was received from other sources. Valuable assistance is received from the Factory Department in ascertaining particulars of accidents and I would like particularly to acknowledge the ready help accorded by the Coroner of Bombay and his office in tracing the whereabouts of employers and relatives of deceased workmen. In 61 of the 136 accident cases (including 20 that were pending from last year), voluntary deposits were received and in the remaining 75, notices under section 10-A were issued. In 51 of these, liability was denied and in 23 such cases applications were received from the dependants who had been advised to file them. In 16 of these 23, the applications were successful and the remaining seven were dismissed. In 11 cases liability was denied on the ground that the accidents did not arise " out of and in the course of " the employment and the facts disclosed justified the denial of liability. In 10 no information as to dependants was available and therefore no action could be taken. In seven the deceased workmen were not covered by the Act. In two relating to seamen the deceased having been signed on at another port, the information was passed on to the Commissioner concerned. The remaining 22 were pending at the end of the year.

Returns under Section 16—Appendix " A ".

18. Although 25 categories of workmen are covered by the Act, under the revised Government of India Notification, issued under section 16, returns are required to be submitted only in respect of 11 categories. From the information received, it appears that the number of employers employing those categories of labour was 2,112 of whom 1,696, i.e. 81 per cent. submitted returns. The following figures show the number of returns received from employers under each category :—

Name of category.	Number of employers.	Number of returns received.
Factories	1,977	1,600
Mines	1	1
Tramways	2	2
Port Trusts	2	2
Factories Manufacturing Explosives ..	3	2
Fire Brigades	20	19
Electric Supply Companies ..	57	47
Cinema Film Manufacturing Companies	50	23
	2,112	1,696

Returns in respect of Railway servants are submitted to the Railway Board and not to the Commissioners. No returns were received in respect of the two categories, workers employed in connection with " winning petroleum and natural gas " and " in growing cinchona, coffee, etc.". Of the 416 concerns from which returns should have been received two hundred and sixty-six concerns were closed during the year.

19. Of the 1,696 returns received during the year, 1,245 did not report a single accident.. Insurance companies submitted returns on behalf of 61 employers.

20. The average number of workers employed daily was 413,726 adults and 2,845 minors. The total number of accidents reported was 4,095, in two of which the injured workmen were minors in whose case the disablement was temporary. Of the remaining 4,093, forty-six were fatal accidents, 293 resulted in permanent disablement and 3,754 in temporary disablement. The total compensation paid was Rs. 1,66,905-11-2 of which Rs. 38,679-14-0 were paid in respect of fatal accidents, Rs. 74,559-10-10 in respect of permanent disablement and Rs. 53,666-2-4 for temporary disablement. No case of industrial disease was reported by any of the employers.

21. In the case of fatal accident referred to in paragraph 24 of the last year's report as being under correspondence, the employer concerned deposited compensation.

Deposits under Sections 8 (1) *and* 8 (2).

22. The year opened with Rs. 30,802 in hand—the difference of Rs. 331 being due to one of the Ex-officio Commissioners not showing, through oversight, this amount in his balance last year—and the deposits received during the year amounted to Rs. 1,97,036 making a total of Rs. 2,27,838 of which Rs. 1,46,358 were in respect of fatal accidents and the remaining Rs. 50,678 in respect of non-fatal accidents. Total payments made during the year were of Rs. 2,02,642 of which Rs. 1,49,112 were paid in respect of fatal accidents and Rs. 53,529 to injured women and other workmen leaving a balance of Rs. 25,196 at the end of the year. Last year the total amounts of receipts including the opening balance and payments made during the year were Rs. 1,75,180 and Rs. 1,45,047 respectively.

23. The amount of compensation refunded in respect of the ten cases of deposits shown in return " A " comes to Rs. 6,906. The large increase under this head as compared with previous years is due to the amendment of the Act which gives power to the Commissioner to call upon an employer to deposit compensation before an application has been received from dependants. Subsequently, no dependants being traceable, the money is returned.

Investments under Section 8 (7).

24. At the beginning of the year there were 163 Post Office Savings Bank accounts open with a total balance of Rs. 76,008. The number of

new accounts opened during the year was 75 in which Rs. 52,792 were deposited. The number of accounts closed during the year was 40 as against 59 last year. During the year Rs. 38,804 were withdrawn as against Rs. 40,238 last year. The number of accounts open at the end of the year was 198 with a balance of Rs. 90,536. The amount of other investments was the same as last year.

Comparative Statement—Appendix " B ".

25. It will be seen from the comparative statement, Appendix " B ", that the total number of cases disposed of during the year was 793 as against 632 last year, an increase of 161 on the low figures of 1934. The number of agreements and cases of voluntary deposits rose from 337 to 380 and from 91 to 171 respectively. The number of other cases, however, fell from 72 to 51 but the fall was counterbalanced by an increase in the cases of deposits. Up to last year cases of voluntary deposits in respect of non-fatal accidents used to be shown under " non-contested cases ". But this year according to the arrangement in the new form of return " A " they have been shown under " deposits ". The number of contested cases disposed of also increased by 59. The total compensation awarded this year amounted to Rs. 2,52,840 as against Rs. 2,19,723 awarded last year. This amount is exclusive of the compensation paid in respect of temporary injuries not reported to Commissioners. The number of Post Office Savings Bank accounts open at the end of the year rose from 162 to 198 and balance from Rs. 75,110 to Rs. 90,536. Thus there was a marked all-round improvement over the figures of last year. The increase is due partly to the extension of the Act, partly to the improved trade conditions and consequent increase in numbers employed and partly to the smooth working of the Mill Industry in Bombay as compared with last year. Of the 729 cases (excluding those that were transferred to other Commissioners for disposal and the cases in which compensation was refunded), 309 were in respect of accidents in the Textile Industry and the remaining 420 in other industries.

26. The returns received from the Commissioners in the Presidency show that out of the 443 cases of award and miscellaneous applications and 409 agreements, 322 i.e. about 73 per cent. and 353 agreements i.e. about 86 per cent. respectively, were received by the Commissioner, Bombay ; 47 cases and 17 agreements were filed in the Court of the Commissioner, Ahmedabad, the Karachi Commissioner had 25 cases and 10 agreements, Sukkur 11 cases and nine agreements and the remaining 49 cases and 29 agreements were filed in the Courts of the remaining 26 Commissioners, three of whom had no case of any kind. Of the 191 contested cases, the Commissioner, Bombay, had 162, i.e. 81 per cent. ; Ahmedabad 14 ; Karachi 8 ; while Nadiad, Thana, Sukkur, Sholapur, Jalgaon, Broach and Hubli had one each. Nineteen Commissioners had no contested cases at all.

Appeals under Section 30 and References under Section 27.

27. Of the six appeals that were pending at the end of last year, five were from Bombay and one from Sukkur. Four fresh appeals were preferred during the year of the report of which one was from Bombay, one from Karachi, one from Nadiad and the remaining one from Ahmedabad. The number of appeals disposed of during the year was seven, all of which were dismissed and the decisions of the Commissioners confirmed. The number of appeals pending at the close of the year was three. No reference under section 27 was made to High Court by any Commissioner during the year.

Industrial Diseases.

28. The only case of industrial disease mentioned in Schedule IV reported during the year concerned a diver employed on the construction of a bridge. The disease was " compressed air illness or its sequelae " as a result of which the man suffered from Aphasia (loss of speech) increasing deafness and general weakness. He was compensated on the basis of permanent total disability.

Tours, Local Inspections and Assessors.

29. As the districts of Ahmedabad, Broach, Surat, Khandesh and Sholapur have been removed from the exclusive jurisdiction of the Commissioner, Bombay, no touring was necessary during the year to hear contested cases in the districts. Local inspection had to be made only in two cases.

General Remarks.

30. The Act worked smoothly during the year greatly helped by the assistance received from the Insurance Companies who represented the employers in about 50 per cent. of the cases. No Trade Union except the Textile Labour Association, Ahmedabad, took any part in settling claims on behalf of workmen. That Union during the year settled 184 cases of which seven related to fatal accidents, 65 to permanent disablement and the remaining 112 to temporary disablement. The compensation secured during the year amounted to Rs. 18,445. The Union Officials, assisted by their medical advisers, conducted the cases without the help of pleaders. The number of cases conducted by them before the Commissioner, Ahmedabad, was 36. The Union was successful in settling 92 compensation claims by correspondence with employers or their Insurers.

31. The worst accident during the year was again due to an explosion in an unlicensed fire-works factory at Worli, which was responsible for the loss of ten or eleven lives. Although in some cases awards for compensation were made on applications from dependants nothing could be recovered, the proprietor being penniless. Thus in two successive years twenty-two workers have been killed in two fire-works explosions and it has not been possible to recover even a rupee as compensation.

32. Another very bad accident came to notice during the year. A country boat sank near Karachi with six of its crew. A notice was issued by registered post to the proprietor who came from the Indian State. But he refused to accept it. The case is still under correspondence with the Collector of Karachi who has been asked to trace the dependants through the revenue officers.

33. One circumstance that occasionally causes undue delay is the fact that some of the Shipping Companies are insured with Protection Clubs or underwriters in England who have to be referred to before the agents in Bombay can settle the claim. These agents are invariably solicitors or old established firms of East-Indian merchants and why they cannot be trusted to settle a claim for a few hundred rupees has always been a mystery to me.

34. Mr. Marathe, my Head Clerk, and the office staff continued to give every assistance to workers and dependants while the increased work of the office was disposed of with efficiency and despatch.

I have the honour to be,
Sir,
Your most obedient servant,

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

WORKMEN'S COMPENSATION ACT
(VIII OF 1923)

SM Bk R 69—2

Return A

WORKMEN'S COMPENSATION

Proceedings before the Commissioners for Workmen's Compensation

Return of cases filed

Cases of	Pending at commencement	Filed	Received for disposal from other Commissioners	Transferred to other Commissioners for disposal	Cases disposed of without notice to the other party				
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 21	Dismissed under Rule 22	Total
Award of compensation (under section 10):—									
Fatal accidents ...	18	60	...	1	1	...	3	...	4
Permanent disablement	9	93	3	2	...	...	...	...	...
Temporary disablement	8	47	...	...	...	...	...	...	..
Total ...	35	200	3	3	1	...	3	...	4
Commutation (under section 7) ...	...	...	...	...	...	...	...	...	...
Review (under section 6)	...	14	...	...	...	...	...	...	...
Recovery of compensation (under section 31)	5	23	...	...	...	...	1	...	1
Proceedings other than those mentioned above and not included below under "Deposits under section 8" ...	1	...	...	...	...	...	...	...	...
Total ...	6	37	...	...	...	...	1	...	1
Deposits under section 8					Disbursed to dependants or workmen as the case may be				
(i) Fatal accidents [sub-section (1)] ...	17	103	24	37	81				
(ii) Disablements of women and persons under legal disability [sub-section (1)] ...	...	10	...	...	9				
(iii) Others [sub-section (2)] ...	...	35	...	...	34				
Total ...	17	148	24	37	124				

Secretariat:

Bombay, 12th March 1936.

ACT (VIII OF 1923)

for the Bombay Presidency for the year ending 31st December 1935

Cases disposed of after notice to the other party							Total disposed of	Pending at conclusion	Court fees paid
Not contested			Contested						
Admitted by opposite party	Allowed *ex-parte*	Total	Allowed	Allowed in part	Dismissed	Total			
									Rs. a. p.
6	...	6	20	20	7	47	58	20	144 14 0
30	...	30	12	37	10	59	91	14	240 10 0
6	1	7	14	25	7	46	53	2	40 4 0
42	1	43	46	82	24	152	202	36	425 12 0
...	...	...	...	...	...	...	...	...	.....
...	...	...	12	2	...	14	14	...	18 8 0
...	...	...	21	...	3	24	25	3	11 8 0
...	...	...	1	...	...	1	1	...	1 6 0
...	...	...	34	3	3	39	40	3	31 6 0
Refunded to employer									
			9				127	17	166 4 0
							10	...	.....
							34	1	14 0 0
			10				171	18	200 4 0

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Registration of agreements by the Commissioners for Workmen's Compensation for the Bombay Presidency for the year ending 31st December 1935.

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	NOT REGISTERED ON ACCOUNT OF		Total disposed of	Pending at conclusion
					Inadequacy	Other causes		
Payment of compensation for permanent disablement ...	29	370	358	12	1	...	371	28
Payment of compensation for temporary disablement ...	1	9	8	...	1	...	9	1
Commutation of half-monthly payments .	...	...	...	...	...	...	...	...
Total ...	30	379	366	12	2	...	380	29

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat :
Bombay, 12th March 1936.

Return C

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation for the Bombay Presidency for the year ending 31st December 1935.

Number of adults in each wage-class to whom or in respect of whose death compensation was awarded or disbursed.

Monthly wages of the workmen injured		Number of workmen							
		For temporary disablement		For permanent disablement		For fatal accidents		Total numbers	
More than	But not more than	Men	Women	Men	Women	Men	Women	Men	Women
Rs.	Rs.								
0	10	...	2	2	1	7	2	9	5
10	15	2	4	5	3	11	...	18	7
15	18	1	...	7	1	13	...	21	1
18	21	1	...	13	2	15	...	29	2
21	24	4	...	7	2	12	...	23	2
24	27	1	...	14	1	13	...	27	1
27	30	3	...	14	...	11	...	28	...
30	35	4	...	7	..	12	...	23	...
35	40	19	...	9	...	8	...	29	...
40	45	4	...	8	...	5	...	17	...
45	50	3	...	6	...	4	...	13	...
50	60	8	...	12	...	5	...	25	...
60	70	1	...	1	...	2	...	4	...
70	80	...	...	2	...	1	...	3	...
80	100	...	...	1	...	1	...	2	...
100	200	..	...	...	..	1	...	1	...
200	...	...	...	...	...	1	...	1	...
Totals ...		44	6	108	10	121	2	273	18

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat:
Bombay, 12th March 1936.

APPENDIX

WORKMEN'S

Consolidated statement of Returns furnished by Employers

Province—Bombay

	Average Numbers employed per day	Accidents			
		Number of cases of injuries in respect of which final compensation has been paid during the year			Amount of
		Death	Permanent disablement	Temporary disablement	Death
Factories					Rs. a. p.
Adults ...	3,98,374	40	287	3,561	33,703 0 0
Minors ...	2,784	.....	.....	2	.....
Mines					
Adults ...	128	.....	.....	.....	.....
Minors ...	.....	.....	.....	.....	.....
Tramways					
Adults ...	3,071	.....	2	56	.....
Minors ...	.....	.....	.....	.....	.....
Port Trusts					
Adults ...	6,194	1	3	58	1,050 0 0
Minors ...	4	.....	.....	.....	.....
Factories Manufacturing Explosives					
Adults ...	135	.....	.....	.....	.....
Minors ...	20	.....	.....	.....	.....
Fire Brigades					
Adults ...	567	.....	.....	.....	.....
Minors ...	.....	.....	.....	.....	.....
Electric Supply Companies					
Adults ...	4,359	5	1	76	3,936 14 0
Minors ...	6	.....	.....	.....	.....
Cinema Film Manufacturing Companies					
Adults ...	998	.....	.....	.....	.....
Minors ...	31	.....	.....	.....	.....
Total, Adults ...	4,13,726	46	293	3,754	38,679 14 0
Total, Minors ...	2,845	.....	.....	2	.....

Secretariat :

Bombay, 12th March 1936.

A

COMPENSATION

relating to period from 1st January to 31st December 1935

Presidency

compensation paid		Occupational Diseases						
		Number of cases of diseases in respect of which final compensation has been paid during the year				Amount of compensation paid		
Permanent disablement	Temporary disablement	Nature of disease	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
Rs. a. p.	Rs. a. p.					Rs.	Rs.	Rs.
72,037 5 10	51,500 7 4	...	...	.....	.....	...	.....	.....
.....	14 12 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
201 9 0	512 5 6	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
1,900 12 0	497 0 5	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
420 0 0	1,141 9 1	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
74,659 10 10	53,651 6 4	...	...	.....	.....	...	.....	.....
.....	14 12 0	...	...	.....	.....	...	.....	.....

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

APPENDIX B.

Statement showing the number of cases disposed of, compensation paid and the deposits held in the Post Office Savings Bank during the years from 1925 to 1935.

Year.	Not contested.			Contested.	Total No. of cases.	Total compensation paid during the year excluding that paid for non-contested cases of temporary disablement.	Post Office Savings Bank Accounts.	
	Agreements.	Distribution cases.	Other cases including those in which claims were conceded after applications were filed.				No. of Accounts open at the end of the year.	Total deposits at the end of the year.
						Rs.		Rs. a. p.
1925 ...	115	102	53	60	330	1,44,300	.....	.....
1926 ...	206	89	51	153	499	1,85,050	.....	.....
1927 ...	235	144	68	116	563	2,27,675	.....	.....
1928 ...	252	108	61	130	551	2,31,675	.....	.....
1929 ...	322	139	86	136	683	2,62,110	11	6,407 0 0
1930 ...	304	90	112	152	658	2,74,215	45	22,803 4 0
1931 ...	309	124	74	162	669	2,60,000	54	28,206 0 0
1932 ...	291	92	65	135	583	2,06,375	58	28,846 0 0
1933 ...	362	87	53	156	658	2,31,805	96	45,660 0 0
1934 ...	337	91	72	132	632	2,19,723	162	75,110 0 0
1935 ...	360	171	51	191	793	2,52,880	198	90,536 0 0

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat:
Bombay, 12th March 1936.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

Annual Report
on the
Working of the Indian Workmen's Compensation Act, 1923, in the Bombay Presidency

For the Calendar Year 1936

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No. 1784 of 1937.

SECRETARIAT, BOMBAY:
The 31st May 1937.

From

J. F. GENNINGS, ESQUIRE, C.B.E., Bar-at-Law, J.P.,
Commissioner for Workmen's Compensation,
Bombay;

To

THE CHIEF SECRETARY TO GOVERNMENT,
Political and Reforms Department,
Bombay.

Subject.—Annual Report on the Working of the Workmen's Compensation Act, 1923, for the year 1936.

Reference.—G. R., G. D., No. 5498, dated the 27th November 1924.

Sir,

I have the honour to submit the Twelfth Annual Report on the working of the Workmen's Compensation Act, 1923, as subsequently amended from time to time, in the Bombay Presidency during the year 1936.

2. I continued in charge of the administration of the Act during the year in addition to my other duties as Commissioner of Labour and Director of Information except for the period from the 16th March to 12th October when I was on leave. Mr. A. H. Dracup, B.A. (Cantab.), who was appointed to officiate as Commissioner, was unable to take over charge on the 16th March, as he was on leave, and Mr. N. M. Patwardhan, Bar-at-Law, retired District Judge and former Commissioner, was temporarily appointed to hold the post until relieved by Mr. Dracup on the 24th April 1936.

3. There was no change in the jurisdiction of the Commissioner, Bombay, or any other ex-Officio Commissioners except that Sind was separated from this Presidency with effect from 1st April 1936.

4. No amendments either in the Act or in the Rules were passed during the year although some were under consideration.

5. As the statistics relating to the administration of the Act in Sind have not been included in this report the closing balances shown in the last report do not agree with the opening balances shown in the report.

Return "A"—Proceedings before the Commissioners.

6. The opening balance at the commencement of the year was 45. The total number of cases filed and received on transfer from other Commissioners was 329, making a total of 374 cases of which 319 were disposed of and 55 were pending at the close of the year.

7. Of the 319 cases that were disposed of, 182 or 57 per cent. were cases of award of compensation under section 10, eleven were miscellaneous and the remaining 126 were cases of distribution of voluntary deposits made by employers under section 8 (*1*) and (*2*).

8. *Cases of award.*—Of the 182 cases of award, 59 were in respect of fatal accidents, 95 related to accidents resulting in permanent disablement and 28 in temporary disablement. Sixteen of these were transferred for disposal to other Commissioners, 10 were decided without notice to the other party, nine were not contested and the remaining 147 were contested cases. Of these 147, thirty-one were allowed in full, 91 in part and the remaining 25, i.e. about 17 per cent., were dismissed.

9. In nine of these 147 contested cases indemnity under section 12 was claimed, in five of which the claim was granted, in two it was dismissed and in the other two the original claim against the opposite party having been dismissed, the question of indemnity did not arise.

10. *Cases of deposits.*—Of the 147 cases of voluntary deposits, 126 were disposed of during the year, of which 21 were transferred to other Commissioners for disposal, and 21 remained pending. In three cases deposits were returned to employers, there being no dependants.

11. The cases shown in this return may be classified under three heads, fatal accidents, non-fatal accidents and miscellaneous. The cases of fatal and non-fatal accidents are again shown under two different heads—awards and voluntary deposits. If they are put together the total number of cases of fatal and non-fatal accidents disposed of during the year was 143 and 165 respectively. Cases of agreements, which relate only to non-fatal accidents, are dealt with in paragraph 13.

12. The total amount of Court fees paid on all these applications was Rs. 615-12-0 as against Rs. 657 last year. This is the only source of income so far as the administration of the Act is concerned.

Return "B"—Cases of Agreements.

13. At the commencement of the year there were 25 cases pending and 411 fresh applications were received during the year, making 436 cases of which 419 were disposed of and the remaining 17 were pending at the end of the year. Of these 419 cases, 406 were in respect of payment of compensation for permanent disablement, 12 for temporary disablement and the other for commutation of half-monthly payments. Four hundred and twelve

agreements were registered as filed without any change, three after some modification and, in the remaining four, registration was refused—in one for inadequacy of compensation and in the rest for other causes. In many cases in Bombay City employers and Insurance Companies discuss the question of the amount to be paid with the Commissioner and the agreements are filed after the amount has been settled. The total amount of compensation paid in respect of all these agreements by employers direct to their workmen was Rs. 77,521 as against Rs. 87,733 last year when the agreements registered numbered 378.

Return "C"—Wage Classes of Workmen.

14. Although the number of cases disposed of during the year as shown in return "A" was 319, only 308 were original claims, in 233 of which compensation was awarded. This figure is exclusive of the cases of agreements shown in return "B" as only the cases of award and distribution are to be shown in this return. Of these 233 cases, in two hundred and twenty-two the injured workers were men and eleven were women. Ninety-seven cases related to fatal accidents, 114 to permanent disablement and 22 to temporary disablement. The wage class most numerously represented this year was Rs. 40 with Rs. 24 as the next group as against Rs. 21 and Rs. 40 last year. The number of workers receiving compensation at Rs. 60 and above was 30 as against 36 last year. In no case was compensation payable at the maximum rate.

Returns under section 16—Appendix "A".

15. Out of the 11 categories of workmen in respect of which returns are required to be submitted by employers, returns were received only in respect of the following categories :—

Name of category.	Number of employers.	Number of returns received.
Factories	1,875	1,708
Mines	1	1
Tramways	1	1
Port Trusts	1	1
Factories Manufacturing Explosives ...	3	3
Fire Brigades	16	13
Electric Supply Companies ...	60	52
Cinema Film Manufacturing Companies.	67	27
	2,024	1,806

16. Returns in respect of Railway Servants are not included in these figures as they are submitted to the Railway Board direct. Of the 1,806 concerns, 240 reported complete stoppage of work during the year. One thousand, one hundred and ninety-seven did not report a single accident. Insurance Companies submitted returns on behalf of 68 employers, the majority of which were received from the Millowners' Mutual Insurance Association, Bombay. The number of employers from whom returns were not received was 157.

17. It will be seen from Appendix "A" that the average number of workmen employed daily was 400,825 of whom 398,633 were adults and 2,192 minors as against 413,726 adults and 2,845 minors respectively last year. The total number of accidents reported was 4,071 of which 43 resulted in death, 327 in permanent disablement and 3,701 in temporary disablement in two of which the injured workmen were minors. The total payment of compensation reported in respect of these accidents was Rs. 1,56,862 of which Rs. 41,450 were paid in respect of fatal accidents, Rs. 63,967 in respect of permanent disablement and Rs. 51,445 were in respect of temporary disablement. These figures do not include compensation paid in respect of injuries to Railway servants.

18. A case of lead poisoning, which is an industrial disease, resulting in temporary disablement, was reported by an Ammunition Factory.

Reports of Fatal Accidents under section 10-B and Notices issued under section 10-A.

19. At the commencement of the year 22 reports were under investigation. Information was received in 116 fresh cases of fatal accidents making a total of 138. In 50 of these, employers submitted reports under section 10-B and in the remaining 66 notices were issued under section 10-A. In 63 cases voluntary deposits were received under section 8 (*1*). Liability was denied in 23 cases and dependants were advised to put in applications claiming compensation. Applications were received in 22 cases, 18 of which were successful and the remaining four were dismissed. Nine cases were transferred to other Commissioners for action to be taken, the accidents having taken place in their jurisdiction. In 17 cases investigation showed that the deceased workmen were not covered by the Act. No action could be taken in nine cases for want of sufficient particulars. At the end of the year 17 cases were under investigation.

20. In the majority of cases in which liability was denied by employers the denial was made in the face of obvious facts showing clearly their liability and in some cases attempts were made to shift the liability from one employer to another where contractors were concerned. The dependants therefore had no alternative but to invoke the assistance of the Court. In the absence of the provisions of section 10-A it would probably not have been possible for those

dependants to secure any compensation. Most of these shifty employers are small factory owners in the mofussil and some owners of motor bus services in the districts have also given a good deal of trouble.

21. As in previous years assistance was received from the Factory and Police Departments and the Coroner of Bombay in tracing the whereabouts of both employers—especially small employers—and relatives of deceased workmen. I am especially indebted to the Coroner of Bombay for his constant co-operation in this matter.

Deposits under sections 8 (1) and 8 (2).

22. The opening balance, deposits received and disbursed during the year and the closing balance were as under :—

		Rs.	Rs.
Opening balance—			
Fatal accidents	... ...	19,001	
Non-fatal accidents	... ...	2,511	
			21,512
Receipts—			
Fatal accidents	... ...	1,32,555	
Non-fatal accidents	... ...	33,677	
			1,66,232
Payments—			
Fatal accidents	... ...	1,21,277	
Non-fatal accidents	... ...	34,348	
			1,55,625
Closing balance—			
Fatal accidents	... ...	30,278	
Non-fatal accidents	... ...	1,841	
			32,119

The figures for the last year were Rs. 30,802; Rs. 1,97,036; Rs. 2,02,642 and Rs. 25,196 respectively which included figures from Sind. Compensation was refunded to employers under section 8 (4) in three cases amounting to Rs. 2,080.

Investments under section 8 (7).

23. At the beginning of the year there were 164 Post Office Savings Bank accounts open, with a total balance of Rs. 74,140. Ninety-nine new accounts were opened with total deposits of Rs. 39,538 as against 75 accounts with total deposits of

Rs. 52,792 last year. Twenty-two accounts were closed and the withdrawals made during the year amounted to Rs. 13,565 consisting of 115 transactions in the majority of which applications were received by post and the money was sent by money orders or where the amounts were large, they were paid out through the local revenue officers. The year closed with 241 accounts open with a total balance of Rs. 1,00,113 as against 198 accounts with a balance of Rs. 90,536 last year. Besides this, Rs. 200 have been invested in 4 per cent. Government Loan and Rs. 3,217 in Post Office Cash Certificates. These Savings Bank accounts mean a good deal of work and trouble for my office staff but they do help to protect illiterate women and minor children from rapacious, or well-intentioned but misguided relatives and therefore are well worth while.

Comparative Statement—Appendix " B ".

25. The comparative statement, Appendix " B ", shows that there was a marked decrease under heads other than those of agreements, Post Office Savings Bank accounts and deposits made therein during the year. The decrease is due solely to the fact that figures from Sind are excluded from this report owing to its separation from this Presidency. In some categories there were increases even without the Sind figures. For example, the number of agreements increased from 380 to 419, the number of Post Office Savings Bank accounts rose from 198 to 241 and deposits from Rs. 90,536 to Rs. 1,00,113.

26. Out of the 319 cases and 419 agreements disposed of during the year under report, 229, i.e. about 72 per cent. of the cases, and 368, i.e. about 88 per cent. of the agreements, were dealt with by the Commissioner, Bombay, and the remaining 90 cases and 51 agreements were disposed of by the 21 ex-Officio Commissioners. The Commissioner, Bombay, disposed of 99 contested cases. Ten of the ex-Officio Commissioners had no contested cases; nine had only one each; one had five and the Commissioner, Ahmedabad, had forty-four. The number of agreements dealt with by the ex-Officio Commissioners was extremely small.

Appeals under section 30 and References under section 27.

27. The number of appeals pending at commencement was two and five fresh appeals were filed during the year, four of which were against awards made by the Commissioner, Bombay, and one by the Commissioner, Ahmedabad. Only one appeal was decided leaving six to be disposed of at the end of the year. The appeal that was decided was filed by an employer. The High Court set aside the Commissioner's order on technical grounds and sent back the case for re-trial. On re-trial the original order allowing the workman's claim for compensation was confirmed and no further appeal was made. No reference was made to the High Court by any Commissioner in the Presidency under section 27 of the Act.

Tours, Local Inspections and Appointment of Assessors.

28. The Commissioner had not to go out on tour on any occasion during the year. The assistance of an assessor had to be invoked only in one case.

Industrial Diseases.

29. No case except the one of lead poisoning in an ammunition factory referred to in paragraph 18 was reported by any employer or came up for decision before any of the Commissioners in the Presidency.

General Remarks.

30. The Act worked smoothly during the year. Valuable assistance was received from the Insurance Companies who represented employers in 58 per cent. of the cases as against 50 per cent. last year. The work of the Insurance Companies would be greatly facilitated if employers generally and small employers in particular took more interest in their workmen and furnished the Insurance Companies without delay with the information required before payments can be made.

31. Only the Textile Labour Association, Ahmedabad, played any real part in the settlement of claims for compensation on behalf of workers. During the year under report the total number of cases handled by them was 200, 146 of which were settled. The total amount of compensation secured was Rs. 29,930. General cases which could not be mutually settled by correspondence with the Insurance Companies in Bombay in which it was not thought necessary to file a claim in Ahmedabad were referred to the arbitration of the Commissioner, Bombay. The Union officials conducted all the cases in the Courts assisted by their medical officer. One or two other Unions occasionally had correspondence with the Commissioner on behalf of workers but the number was negligible.

32. In Bombay the majority of contested cases were handled by two Claims Agencies. In most of the other cases the workmen or dependants were assisted by my office staff there being 50 such cases during the year.

33. The statistics show that out of the total number of 690 cases (excluding those that were transferred to other Commissioners and the miscellaneous cases) 366, i.e. about 53 per cent., were in respect of accidents in Textile Mills and the remaining 47 per cent. in other concerns.

34. The case referred to in paragraph 32 of the last report which was under correspondence with the Collector of Karachi was transferred for disposal to the Commissioner, Karachi, in consequence of the separation of Sind.

35. With reference to the remarks made in paragraph 33 of the last report regarding the delay often caused in the settlement of the claims of lascars by some Shipping Companies, in terms of the

articles of agreement with them there does not appear to be any improvement. These big old-established firms of East Indian Merchants still have to refer to their principals in London for sanction for the payment of a few hundred rupees. This procedure is a sheer waste of everybody's time, because whatever the principals may think the amount payable is settled by the Commissioner in Bombay and has to be paid by the local agents. Occasionally delay is unavoidable, because particulars of the accident are not available in Bombay and enquiry must be made elsewhere. But such cases are few.

I have the honour to be,

Sir,

Your most obedient servant,

J. F. GENNINGS,

Commissioner for Workmen's Compensation, Bombay.

WORKMEN'S COMPENSATION ACT
(VIII OF 1923)

Return A

WORKMEN'S COMPENSATION

Proceedings before the Commissioners for Workmen's Compensation

Return of cases filed

Cases of	Pending at commencement	Filed	Received for disposal from other Commissioners	Transferred to other Commissioners for disposal	Cases disposed of without notice to the other party				
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 21	Dismissed under Rule 22	Total
Award of compensation (under section 10) :—									
Fatal accidents ...	17	53	4	7	1	...	4	...	5
Permanent disablement	9	93	8	9	...	...	1	...	1
Temporary disablement	2	29	...	...	4	...	...	...	4
Total ...	28	175	12	16	5	...	5	...	10
Commutation (under section 7) ...	...	...	...	...	...	...	...	...	...
Review (under section 6)	...	4	...	...	...	...	...	...	...
Recovery of compensation (under section 31)	3	5	...	...	...	...	...	...	...
Proceedings other than those mentioned above and not included below under "Deposits under section 8" ...	...	...	...	...	...	...	...	...	...
Total ...	3	9	...	...	...	...	...	...	...
Deposits under section 8					Disbursed to dependants or workmen as the case may be				
(*i*) Fatal accidents [sub-section (*l*)] ...	13	68	18	21	60				
(*ii*) Disablements of women and persons under legal disability [sub-section (*l*)] ...	...	7	...	...	6				
(*iii*) Others [sub-section (*q*)] ...	1	40	...	...	36				
Total ...	14	115	18	21	102				

Secretariat :

Bombay, 31st May 1937.

ACT (VIII OF 1923)

in the Bombay Presidency for the year ending 31st December 1936

Cases disposed of after notice to the other party							Total disposed of	Pending at conclusion	Court fees paid
Not contested			Contested						
Admitted by opposite party	Allowed *ex-parte*	Total	Allowed	Allowed in part	Dismissed	Total			
									Rs. a. p.
5	...	5	18	19	10	42	59	15	194 0 0
2	1	3	15	57	10	82	95	15	215 0 0
1	...	1	3	15	5	23	28	3	22 12 0
8	1	9	31	91	21	147	182	33	431 12 0
...	...	...	...	...	...	...	...	...	.....
1	...	1	1	2	...	3	4	...	4 0 0
...	...	...	4	2	1	7	7	1	2 8 0
...	...	...	...	...	...	...	...	...	.....
1	...	1	5	4	1	10	11	1	6 8 0
Refunded to employer									
			3				84	15	157 8 0
							6	1	.....
			...				36	5	20 0 0
			3				126	21	177 8 0

J. F. GENNINGS
Commissioner for Workmen's Compensation,
Bombay.

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Registration of agreements by the Commissioners for Workmen's Compensation in the Bombay Presidency for the year ending 31st December 1936.

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	NOT REGISTERED ON ACCOUNT OF		Total disposed of	Pending at conclusion
					Inadequacy	Other causes		
Payment of compensation for permanent disablement ...	24	399	399	3	1	3	406	17
Payment of compensation for temporary disablement ...	1	11	12	...	...	...	12	...
Commutation of half-monthly payments ...	...	1	1	...	...	...	1	...
Total ...	25	411	412	3	1	3	419	17

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat:
Bombay, 31st May 1937.

Return C

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation in the Bombay Presidency for the year ending 31st December 1936.

Number of adults in each wage-class to whom or in respect of whose death compensation was awarded or disbursed.

Monthly wages of the workmen injured		Number of workmen							
		For temporary disablement		For permanent disablement		For fatal accidents		Total numbers	
More than	But not more than	Men	Women	Men	Women	Men	Women	Men	Women
Rs.	Rs.								
0	10	1	1	1	1	6	...	8	2
10	15	1	...	7	1	8	4	16	5
15	18	...	...	10	3	6	1	16	4
18	21	1	...	13	...	8	...	22	...
21	24	1	...	11	...	15	...	27	...
24	27	2	...	7	...	9	...	18	...
27	30	2	...	8	...	4	...	14	...
30	35	2	...	5	..	5	...	12	...
35	40	3	...	16	...	10	...	29	...
40	45	3	...	9	...	6	...	18	...
45	50	...	...	7	...	5	...	12	...
50	60	3	...	7	...	3	...	13	...
60	70	1	...	3	...	...	...	4	...
70	80	1	...	3	...	3	...	7	...
80	100	...	...	1	...	3	...	4	...
100	200	...	...	1	..	1	...	2	..
200	...	...	...	...	...	...	...	...	...
	Totals ...	21	1	109	5	93	5	222	11

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat :
Bombay, 31st May 1937.

APPENDIX

WORKMEN'S

Consolidated statement of Returns furnished by Employers

Province—Bombay

	Average Numbers employed per day	Accidents			
		Number of cases of injuries in respect of which final compensation has been paid during the year			Amount of
		Death	Permanent disablement	Temporary disablement	Death
Factories					Rs. a. p.
Adults ...	3,84,697	37	324	3,543	37,240 0 0
Minors ...	2,135	.....	.....	2	.....
Mines					
Adults ...	104	.....	.....	1	.....
Minors ...	.....	.....	.....	.....	.....
Tramways					
Adults ...	3,031	1	.....	64	720 0 0
Minors ...	.....	.....	.....	.....	.....
Port Trusts					
Adults ...	5,686	.....	3	61	.....
Minors ...	.....	.....	.....	.....	.....
Factories Manufacturing Explosives					
Adults ...	149	.....	.....	.....	.....
Minors ...	17	.....	.....	.....	.....
Fire Brigades					
Adults ...	418	.....	.....	.....	.....
Minors ...	.....	.....	.....	.....	.....
Electric Supply Companies					
Adults ...	3,186	5	.....	30	3,490 0 0
Minors ...	6	.....	.....	.....	.....
Cinema Film Manufacturing Companies					
Adults ...	1,422	.....	.....	.....	.....
Minors ...	34	.....	.....	.....	.....
Total, Adults ...	3,98,633	43	327	3,699	41,450 0 0
Total, Minors ...	2,192	.....	.....	2	.....

Secretariat :

Bombay, 31st May 1937.

A

COMPENSATION

relating to period from 1st January to 31st December 1936

Presidency

compensation paid		Occupational Diseases						
		Number of cases of diseases in respect of which final compensation has been paid during the year				Amount of compensation paid		
Permanent disablement	Temporary disablement	Nature of disease	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
Rs. a. p.	Rs. a. p.					Rs.	Rs.	Rs. a. p.
61,405 4 6	49,168 15 2	Lead poisoning.	...	.....	1	...	.....	5 8 0
.....	.....	...	...	.....	.....	...	.....	.....
.....	6 9 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	1,153 13 6	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
2,662 0 0	668 12 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	421 8 5	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
63,967 4 6	51,424 10 1	Lead poisoning.	...	.....	1	...	.....	5 8 0
.....	19 14 0	...	...	.....	.....	...	.....	.....

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

APPENDIX B.

Statement showing the number of cases disposed of, compensation paid and the deposits held in the Post Office Savings Bank during the years from 1925 to 1936.

Year.	Not contested.			Contested.	Total No. of cases.	Total compensation paid during the year excluding that paid for non-contested cases of temporary disablement.	Post Office Savings Bank Accounts.	
	Agreements.	Distribution cases.	Other cases including those in which claims were conceded after applications were filed.				No. of Accounts open at the end of the year.	Total deposits at the end of the year.
						Rs.		Rs. a. p.
1925 ...	115	102	53	60	330	1,44,300	.....	.....
1926 ...	206	89	51	153	499	1,85,050	.....	.....
1927 ...	235	144	68	116	563	2,27,675	.....	.....
1928 ...	252	108	61	130	551	2,31,675	.....	.....
1929 ...	322	139	86	136	683	2,62,110	11	6,407 0 0
1930 ...	304	90	112	152	658	2,74,215	45	22,803 4 0
1931 ...	309	124	74	162	669	2,60,000	54	28,206 0 0
1932 ...	201	92	65	135	583	2,06,375	58	28,846 0 0
1933 ...	363	87	53	156	658	2,31,805	96	45,660 0 0
1934 ...	337	91	72	132	632	2,19,723	162	75,110 0 0
1935 ...	380	171	51	191	793	2,52,880	198	90,536 0 0
1936* ...	419	126	36	157	738	2,33,146	241	1,00,118 0 0

* These figures do not include statistics from Sind.

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat :
Bombay, 31st May 1937.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

P-S.D.

Annual Report
on the
Working of the Indian Workmen's Compensation Act, 1923, in the Bombay Province

For the Calendar Year 1937

FINANCE DEPARTMENT
Dl. No. P. 383.
22. AUG. 1938
Serial No. 1.

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No. C. O. 2317 of 1938.

SECRETARIAT, BOMBAY:
The 3rd June 1938.

From

J. F. GENNINGS, ESQUIRE, C.B.E., Bar-at-Law, J.P.,
Commissioner for Workmen's Compensation,
Bombay;

To

THE CHIEF SECRETARY TO GOVERNMENT,
Political and Services Department,
Bombay.

Subject.—Annual Report on the Working of the Workmen's Compensation Act, 1923, for the year 1937.

Reference.—G. R., G. D., No. 5493, dated the 27th November 1924.

Sir,

I have the honour to submit the thirteenth Annual Report on the working of the Workmen's Compensation Act, 1923, (as subsequently amended from time to time) in the Province of Bombay during the calendar year 1937.

2. I continued in charge of the administration of the Act during the year under report in addition to my other duties as Commissioner of Labour and Director of Information. The number of Ex-Officio Commissioners in the Province decreased from 21 to 20 as Ahmedabad was retransferred to the Commissioner, Bombay, during the year. Otherwise there was no change in the jurisdiction of the Commissioner, Bombay, or any of the Ex-Officio Commissioners.

Amendments to the Act and Rules.

3. During the year under report, two more occupations were added, under section 2(3) of the Act, to Schedule II as being hazardous occupations (i) handling and manipulation of radium or X-ray apparatus or contact with radio-active substances and (ii) handling or transport of goods in or within the precincts of (a) any warehouse or other place wherein goods are stored and 10 or more persons have been so employed on any one day during the

preceding twelve months and (b) any market in which on any one day during the preceding twelve months one hundred or more persons have been so employed.

4. Section 35 of the Act was also amended so as to safeguard the interest of employers depositing compensation to be transferred to other countries for distribution amongst the dependants of deceased workmen living in those countries.

5. Certain formal amendments were made to the Workmen's Compensation Rules, 1924.

Statistics.

Return "A"—Proceedings before the Commissioners.

6. The total number of applications dealt with by the Commissioners in the Province during the year under report was 982 as against 810 in the previous year, an increase of 21 per cent. Of these 72 were pending at the commencement of the year and 910 were received during the year. Eight hundred and eighty three of these were disposed of leaving a balance of 99 to be disposed of at the end of the year.

7. Of these 982 applications, 205 related to fatal accidents, 755 (inclusive of the applications for registration of agreements shown in return "B") to non-fatal accidents resulting in permanent and temporary disablements and the remaining 22 were miscellaneous. All these cases, except those of agreements, have been shown in return "A" under the heading "Proceedings before the Commissioners".

8. Cases both of fatal and non-fatal accidents have been shown under the different heads (i) cases of award under section 10 and (ii) cases of deposits under section 8. Cases under the first category are those which come before the Commissioner in the form of applications by workmen or their dependants for decision as to whether compensation is payable or not, whereas in the cases under the second category compensation is voluntarily deposited for distribution to the claimants in accordance with the Act. This is a peculiar Act and the only compensation that can be paid by the employers to injured workmen without reference, at some stage, to the Commissioner is half-monthly payments for temporary injuries. In fatal cases the compensation must be deposited with the Commissioner for distribution and in non-fatal cases if a lump sum payment is involved, the agreement must be approved by and registered with the Commissioner.

9. *Cases of award under section 10.*—The total number of cases received during the year, including the 33 cases brought over from last year, was 233 of which 196 were disposed of and 37 remained pending at the end of the year. Of these 196 cases, 166 were contested of which 34 were allowed in full, 104 in part and the remaining 28, i.e. about 17 per cent. were dismissed. In four cases indemnity was claimed under section 12 against sub-contractors in three of which it was granted.

10. *Deposits under section 8.*—The total number of cases of deposits received during the year including those that were pending at commencement, was 309 and 290 were disposed of leaving a balance of 19. In five of these 290 cases the compensation deposited was refunded to employers, as no dependants could be traced and in one case the injured workman refused to accept the amount deposited. The total amount refunded in respect of these six deposits was Rs. 4,370.

11. *Miscellaneous Cases.*—Of the 22 cases under this head, 10 were for review under section 6 and eleven for recovery under section 31. The total amount of court fees paid on all these applications was Rs. 743 as against Rs. 615-12-0 last year.

Return "B"—Cases of Agreements.

12. The number of applications for registration of agreements received during the year was 401 as against 411 last year. Adding to that 17 applications that were pending at the beginning of the year, the total number of applications dealt with during the year was 418 of which 372, i.e. 89 per cent. were registered as filed. Six were registered after modification and only in three was registration refused either on the ground of inadequacy of compensation or for other causes. The total amount of compensation paid in respect of the 378 agreements that were registered during the year was approximately Rs. 1,00,000.

Return "C"—Wage Classes of Workmen.

13. It will be seen from return "A" that in 396 original claims (excluding miscellaneous cases) compensation was either awarded or disbursed as against 233 last year, an increase of 70 per cent. Of these 396 cases, in 379 the injured or deceased workmen were men and 17 women. One hundred and fifteen cases were in respect of fatal accidents, 235 permanent disablement and the remaining 46 temporary disablement. The wage class most numerously represented this year was Rs. 21 with Rs. 24 as the next group. Last year the two classes were Rs. 40 and Rs. 24 respectively. The number of workers receiving compensation at Rs. 60 and above was 29 as against 30 last year. Only in one case was compensation awarded at the maximum rate.

Returns under section 16—Appendix "A".

14. The Government of India, Department of Industries and Labour Notification, No. L. 1189, dated the 28th March 1935, issued under section 16 of the Act requires that returns shall be submitted by employers employing persons in the following eleven industries only:— (1) Railways, (2) Factories, (3) Mines, (4) Tramways, (5) Port Trusts, (6) Factories Manufacturing Explosives, (7) Fire Brigades, (8) Electric Supply Companies, (9) Cinema Film Manufacturing Companies, (10) Operations for winning natural petroleum, etc. and (11) Estates maintained for growing cinchona, coffee, rubber, etc. These are regarded as the organised and representative industries of the country.

15. Returns in respect of Railways are submitted to the Railway Board direct and none in respect of the last two industries were received as the industries do not exist in this Province. The number of returns received from the remaining concerns was 1,895 as against 1,806 last year.

16. The effect of Railway returns being made to the Railway Board and not the Local Governments is to make the Provincial statistics incomplete and in some respects misleading. Deposits by Railway Companies (usually a substantial amount) are made here and are shown in our statistice (Appendix "B") but they are not shown in Appendix "A".

17. The aggregate number of persons employed daily in the eight groups of industries mentioned in Appendix "A" was 4,46,380 as compared with 4,00,825 last year. The total number of accidents in respect of which compensation was paid was 5,074 as against 4,071 last year and the amount of compensation paid during the year under report was Rs. 2,00,589 as compared with Rs. 1,56,862 last year.

18. The following table shows the number of industries, the number of persons employed, the number of accidents, the total amount of compensation paid and percentage of accidents to persons employed in each of the eight groups of industries subject to the Notification referred to above :—

Groups of Industries.	Number of Industries.	Number of persons employed.	Number of accidents.	Total Compensation.	Percentage of cases of accidents to numbers employed.
				Rs.	
Factories ...	1,793	4,26,488	4,798	1,83,170	1·1
Mines ...	4	1,894	19	1,220	1·4
Tramways ...	1	3,035	47	3,547	1·5
Port Trust ...	1	5,625	99	2,979	1·8
Factories Manufacturing Explosives.	2	133	...	.....	.....
Fire Brigades ...	16	554	...	.....	.....
Electric Supply Companies.	65	7,687	110	8,473	1·4
Cinema Film Manufacturing Companies.	13	1,464	1	1,200	0·7
Total ...	1,895	4,46,380	5,074	2,00,589	1·1

19. The average amount of compensation paid in respect of each case of fatal accident was Rs. 1,052, of permanent disablement Rs. 208 and of temporary disablement Rs. 12.

Reports of Fatal Accidents under section 10-B and Notices issued under section 10-A.

20. The number of reports that were under investigation at the commencement of the year was seventeen in addition to which information was received in one hundred and eleven cases making a total of 128. In 74 of these, reports under section 10-B were received from employers and in the remaining 54, notices under section 10-A were issued calling upon them to submit the requisite statements. In 75 cases voluntary deposits were received, in 25 liability was denied, in 5 investigation showed that the workmen were not covered by the Act and the remaining 23 were pending at the close of the year.

21. In six of the 25 cases in which liability was denied, it was on the ground that there were no dependants and no claimants came forward to claim compensation. In the remaining 19 cases dependants were advised to present applications and their applications were received. Two of them were transferred for disposal to Ex-Officio Commissioners, the accidents having taken place in their jurisdiction, two were dismissed and the remaining 15 were successful. It will be seen from the above figures that out of the 105 cases of fatal accidents that were dealt with during the year under these two sections, in only 19 did the dependants have to file applications in order to secure compensation.

Deposits under section 8(1) and 8(2).

22. The opening balance, deposits received and disbursed during the year and the closing balance were as under :—

	Rs.	Rs.
Opening balance—		
Fatal accidents	30,718	
Non-fatal accidents	1,841	
		32,559
Receipts—		
Fatal accidents	1,44,843	
Non-fatal accidents	60,607	
		2,05,450
Payments—		
Fatal accidents	1,49,826	
Non-fatal accidents	57,531	
		2,07,357
Closing balance—		
Fatal accidents	25,735	
Non-fatal accidents	4,917	
		30,652

It will be seen from the last year's report that the closing balance was Rs. 32,119. This year's figures, however, show that it

was Rs. 32,559. This was due to mistakes made by two Ex-Officio Commissioners in showing the closing balances last year. The figures for the last year were Rs. 51,572, 1,66,232, 1,55,625 and 32,559 respectively. A comparison of the figures for the last year and the year under report will show that there was a substantial increase both in receipts and payments. It must be remembered that these figures bear no relation to those shown in Appendix "A" as the latter represent compensation paid by employers in eight of the eleven categories which are subject to the Government of India Notification whereas the figures shown above are in respect of compensation *deposited* either voluntarily or in pursuance of the awards made, with the Commissioners for all classes of workers including railway servants.

Investments under section 8 (7).

23. The year opened with 241 Post Office Savings Bank accounts open with a total balance of Rs. 1,00,113. Revised statements received show that the number of accounts open at the beginning of the year was actually 242 with an opening balance of Rs. 1,00,817. The number of new accounts opened during the year was 77 with total deposits of Rs. 44,153. The number of accounts closed during the year was 23 and the total withdrawals amounted to Rs. 19,073. The year closed with 296 accounts open with a total balance of Rs. 1,25,897 as against 242 and Rs. 1,00,817 respectively last year.

24. Other investments remained practically the same as last year.

25. It will be seen from the above figures that this branch of our work is increasing day by day and adding greatly to the work of the staff. The sole object in opening and maintaining these accounts is to safeguard the interest of famale and child dependants and it is gratifying to note that more and more women are voluntarily asking for the money to be kept with us. At first, dependants were suspicious and inclined to protest when they were not paid in full in cash. Dependants are encouraged to purchase land and in such cases the money is usually sent to the nearest Mamlatdar who sees that the money is paid out to the right person and that the bargain is a fair one. I am indebted to the local revenue officials for their willing help in these cases. The number of applications for withdrawing money received during the year was 154. In the majority of cases the money is sent by money order.

Comparative Statement—Appendix "B".

26. It will be apparent from the comparative statement, Appendix "B", that there was a marked increase under all heads except agreements and miscellaneous cases. The number of distribution cases rose from 126 to 200, an increase of 130 per cent. and contested cases from 157 to 181 or 15 per cent. The total

compensation paid during the year was Rs. 2,98,316 as against Rs. 2,33,146, an increase of about 28 per cent. The number of Post Office Savings Bank accounts rose from 242 to 296 and the deposits from Rs. 1,00,113 to Rs. 1,25,897. A number of cases which could have been settled by agreement under section 28 were settled by making deposits with the Commissioners under section 8 (2) which appears to be the reason for the considerable increase in the number of distribution cases and proportionate decrease in the number of agreements. The compensation involved in the agreements registered, however, increased from Rs. 77,521 to Rs. 1,00,000. Applications for withdrawals were received in 154 cases as against 115 last year.. No reason can be assigned for the increase except a greater realisation of their rights by workers employed in small factories and unorganised industries such as the building trade.

27. Out of the 520 cases and 419 agreements received during the year, 454 (i.e. about 81 per cent.) of the cases and 356 agreements (about 85 per cent.) were received by the Commissioner for Workmen's Compensation, Bombay. The Commissioner, Ahmedabad, had 42 cases and 44 agreements and the remaining 24 cases and 19 agreements were presented in the Courts of the remaining 20 Ex-Officio Commissioners in the Province. The Commissioner, Bombay, had 132 contested cases as against 99 last year. From the above figures it will be seen that the bulk of the administration of the Act falls on the Commissioner, Bombay, and as the latter has now taken over Ahmedabad, the percentage of cases dealt with by him is likely to be in the neighbourhood of 95.

Appeal under section 30 and References under section 27.

28. The number of appeals pending at the commencement was six and six fresh appeals were filed during the year under report. Eight of these twelve were decided leaving a balance of four to be disposed of at the end of the year. Of the eight appeals that were disposed of, seven preferred by employers were dismissed and the remaining one by the dependants of a deceased workman was allowed. Of the twelve appeals, nine were against awards made by the Commissioner, Bombay, and three against awards by the Ex-Officio Commissioner, Ahmedabad.

29. There used to be a general complaint about the delay in the disposal of applications by Ex-Officio Commissioners, who are all judicial officers, and a special enquiry showed that these complaints were justified. The matter was taken up with the High Court, through Government, and the High Court was good enough to issue a circular to all Ex-Officio Commissioners directing them to give substantial priority to the disposal of all cases arising under the Act, not only contested cases but also the recovery and distribution of compensation. As a result no complaints regarding undue delay in the disposal of applications by the Ex-Officio Commissioners in the Province were received during the year under report. Moreover,

a rule enabling Workmen's Compensation appeals to be disposed of as expeditiously as possible, was added to the High Court Appellate Side Rules, 1936. The fact that the number of appeals disposed of during the year was eight as against one in the previous year indicates that the new rule was strictly enforced.

Tours, Local Inspections and Appointments of Assessors.

30. As the districts of Ahmedabad, Broach, Surat, Khandesh and Sholapur had been transferred in September 1934 to the Local Judicial Officers practically no travelling was required to be done by the Commissioner, Bombay.

31. Local inspection was necessary only in two cases. The assistance of medical assessors also had to be invoked in two cases where there was an unusually wide divergence of medical opinion.

Industrial Diseases.

32. No case of industrial disease was reported by any of the employers during the year nor did any case come before any of the Commissioners in the Province for decision.

General Remarks.

33. As in previous years, the co-operation of the Insurance Companies representing the employers and Claims Agencies representing the workers contributed materially to the smooth working of the Act in Bombay. More than 50 per cent. of the cases dealt with during the year were settled through Insurance Companies. It is to be regretted that no Trade Union in Bombay working on the lines of the Textile Labour Association, Ahmedabad, has interested itself in taking up the cases of workmen. Occasionally a Union sends a man along, but this is the exception. The Government Labour Officer, however, sent along a number of cases for enquiry. The Ahmedabad Textile Labour Association was the only Trade Union which played any real part in the settlement of claims on behalf of workers. During the year under report, the total number of claims handled by that body was 244 as against 200 last year and 202 of them were settled during the year. The total amount of compensation secured by them was Rs. 21,915 of which Rs. 10,383 were distributed through the Commissioners and the balance Rs. 11,532 paid under agreements with the employers. All these cases were conducted in Court by the Union Officials assisted by their Chief Medical Officer and House Surgeon of the Labour Union Hospital. I have also to acknowledge the assistance given by the Union to non-members whose cases I have sometimes referred to them for enquiry.

34. Applicants who are not represented either by pleaders or Claims Agencies are helped by my office staff who write out

applications and take up the cases with employers. The number of applications in which such assistance was rendered during the year under report was 60, apart from applications under the Payment of Wages Act and for withdrawal of compensation monies from the Post Office Savings Bank accounts.

35. The number of letters received and despatched during the year rose from 3,936 and 5,625 to 4,836 and 6,152 respectively.

36. I again take this opportunity of recording my appreciation of the valuable assistance received from the Factory and Police Departments and the Coroner of Bombay in tracing small employers and the relatives of the deceased workmen.

Payment of Wages Act, 1936.

37. The Payment of Wages Act which was passed in the year 1936, came into force in this Province with effect from 28th March 1937. It was made applicable in the first instance to persons employed in Factories in which 20 or more persons are working and any mechanical or electrical power is used and to persons employed upon any railway by a railway administration or directly or through a sub-contractor by a person fulfilling a contract with a railway administration. The Act does not apply to persons whose average monthly wages are two hundred rupees or more.

38. Under section 15 of the Act, the Commissioner for Workmen's Compensation, Bombay, was appointed to be the Authority for the City of Bombay and Bombay Suburban District, to hear and decide all claims arising out of deductions from wages or delay in payment of wages in that area. The Act provides for individual applications, group applications and applications by Inspectors of Factories.

39. During the nine months in which the Act has been in force, the total number of applications received and decided was eighteen, 12 of which were individual applications and the remainder group applications, in three of which the applications were presented by Inspectors of Factories. The total amount of wages claimed or awarded in these applications including compensation was Rs. 3,698.

40. Of the 18 applications that were decided, 10 were against Printing Presses. With the one exception the applicants' claims were allowed either in full or in part. Except in the three applications that were presented by Inspectors of Factories, all the applicants had to be helped by the office staff. Besides this, numerous enquiries from workers regarding the payment of wages had to be attended to during the year and it is expected that owing to the extension of the Act to smaller factories employing 10 or more persons there will be a considerable increase in work under this Act during the next year.

41. Most of the work falls on my head clerk, Mr. Marathe, who shows endless patience and sympathy with the workers who come to this office and efficiency and accuracy in the disposal of the work.

I have the honour to be,
Sir,
Your most obedient servant,

J. F. GENNINGS,
Commissioner for Workmen's
Compensation, Bombay.

WORKMEN'S COMPENSATION ACT
(VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation for the Bombay Province for the year ending 31st December 1937.

Return A

WORKMEN'S COMPENSATION

Proceedings before the Commissioners for Workmen's Compensation

Return of cases filed

Cases of	Pending at commencement	Filed	Received for disposal from other Commissioners	Transferred to other Commissioners for disposal	Cases disposed of without notice to the other party				
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 21	Dismissed under Rule 22	Total
Award of compensation (under section 10):—									
Fatal accidents ...	15	54	9	7	1	...	1	...	2
Permanent disablement	15	81	6	5	2	1	2	...	5
Temporary disablement	3	50	...	...	4	...	...	1	5
Total ...	33	185	15	12	7	1	3	1	12
Commutation (under section 7) ...	...	...	...	...	...	...	...	...	...
Review (under section 6)	..	10	...	...	...	...	...	...	...
Recovery of compensation (under section 31)	1	10	..	...	...	...	...	...	...
Proceedings other than those mentioned above and not included below under "Deposits under section 8" ...	...	1	...	...	...	...	1	...	1
Total ...	1	21	...	...	...	...	1	...	1
Deposits under section 8					Disbursed to dependants or workmen as the case may be				
(i) Fatal accidents [sub section (1)] ...	15	89	23	31	76				
(ii) Disablements of women and persons under legal disability [sub-section (1)] ...	1	4	1	..	6				
(iii) Others [sub-section (2)] ...	5	171	..	1	170				
Total ...	21	264	24	32	252				

Secretariat:

Bombay, 3rd June 1938

ACT (VIII OF 1923)

for the Bombay Province for the year ending 31st December 1937

Cases disposed of after notice to the other party							Total disposed of	Pending at conclusion	Court fees paid
Not contested			Contested						
Admitted by opposite party	Allowed *ex parte*	Total	Allowed	Allowed in part	Dismissed	Total			
									Rs. a. p.
1	...	1	10	28	9	47	57	21	203 12 0
...	...	...	15	51	15	81	91	11	190 8
3	2	5	9	25	4	38	48	5	38 10 0
4	2	6	34	104	28	166	196	37	432 14 0
...	...	...	...	...	...	...	...	...	.....
...	...	...	6	3	...	9	9	1	13 0 0
...	...	...	4	1	1	6	6	5	5 0 0
...	...	...	...	...	...	...	1	...	0 8 0
...	...	...	10	4	1	15	16	6	18 8 0
Refunded to employer									
5							112	15	139 4 0
							6	...	.....
							172	4	152 8 0
5							290	19	291 12 0

J. F. GENNINGS,
Commissioner for Workmen's Compensation.
Bombay

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Registration of agreements by the Commissioners for Workmen's Compensation for the Bombay Province for the year ending 31st December 1937.

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	Not registered on account of		Total disposed of	Pending at conclusion
					Inadequacy	Other causes		
Payment of compensation for permanent disablement ...	17	383	358	6	2	1	367	33
Payment of compensation for temporary disablement ...	...	18	14	...	...	...	14	4
Commutation of half-monthly payments .	...	...	...	...	...	...	...	...
Total ...	17	401	372	6	2	1	381	37

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat :
Bombay, 3rd June 1938.

Return C

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation for the Bombay Province for the year ending 31st December 1937.

Number of adults in each wage-class to whom or in respect of whose death compensation was awarded or disbursed.

Monthly wages of the workmen injured		Number of workmen							
		For temporary disablement		For permanent disablement		For fatal accidents		Total numbers	
More than	But not more than	Men	Women	Men	Women	Men	Women	Men	Women
Rs.	Rs.								
	10	1	1	3	1	3	2	7	4
10	15	4	1	7	6	16	2	27	9
15	18	3	...	9	...	11	1	23	1
18	21	9	...	30	...	15	2	54	3
21	24	5	...	36	1	12	...	53	1
24	27	1	...	38	...	7	...	46	...
27	30	8	...	25	...	8	...	41	...
30	35	1	...	13	...	8	...	23	...
35	40	6	...	24	...	11	...	41	...
40	45	1	...	19	...	2	...	22	...
45	50	...	...	8	...	6	...	14	...
50	60	4	...	4	...	5	...	13	...
60	70	...	...	4	...	1	...	5	...
70	80	1	...	4	...	1	...	6	...
80	100	...	...	3	...	1	...	4	...
100	200	...	...	...	...	...	...	...	...
200	...	...	...	...	...	1	...	1	...
Totals ...		44	2	227	8	108	7	379	17

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat:
Bombay, 3rd June 1938.

APPENDIX

WORKMEN'S

Consolidated statement of Returns furnished by Employers

Bombay

	Average Numbers employed per day	Accidents			
		Number of cases of injuries in respect of which final compensation has been paid during the year			Amount of
		Death	Permanent disablement	Temporary disablement	Death
Factories					Rs. a. p.
Adults ...	4,24,682	34	480	4,234	37,156 0 0
Minors ...	1,806	.....	.....	.....	.....
Mines					
Adults ...	1,394	2	2	15	1,050 0 0
Minors ...	.....	.....	.....	.....	.....
Tramways					
Adults ...	3,035	.....	3	44	.....
Minors ...	.....	.....	.....	.....	.....
Port Trusts					
Adults ...	5,623	1	3	95	900 0 0
Minors ...	2	.....	.....	.....	.....
Factories Manufacturing Explosives					
Adults ...	119	.....	.....	.....	.....
Minors ...	14	.....	.....	.....	.....
Fire Brigades					
Adults ...	552	.....	.....	.....	.....
Minors ...	2	.....	.....	.....	.....
Electric Supply Companies					
Adults ...	7,681	4	4	102	3,870 0 0
Minors ...	6	.....	.....	.....	.....
Cinema Film Manufacturing Companies					
Adults ...	1,419	1	.....	.....	1,200 0 0
Minors ...	45	.....	.....	.....	.....
Total, Adults ...	4,44,505	42	492	4,540	44,176 0 0
Total, Minors ...	1,875	.....	.....	.....	.....

Secretariat:

Bombay, 3rd June 1938.

A

COMPENSATION

relating to period from 1st January to 31st December 1937

Province

compensation paid		Occupational Diseases						
		Number of cases of diseases in respect of which final compensation has been paid during the year				Amount of compensation paid		
Permanent disablement	Temporary disablement	Nature of disease	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
Rs. a. p.	Rs. a. p.					Rs.	Rs.	Rs. a. p.
94,881 3 2	51,132 12 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
70 0 0	92 8 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
2,772 0 0	774 14 3	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
1,176 0 0	903 4 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
3,690 8 0	913 4 9	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
1,02,689 6 2	58,823 11 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

APPENDIX B.

Statement showing the number of cases disposed of, compensation paid and the deposits held in the Post Office Savings Bank during the years from 1925 to 1937.

Year.	Not contested.			Contested.	Total No. of cases.	Total compensation paid during the year excluding that paid for non-contested cases of temporary disablement.	Post Office Savings Bank Accounts.	
	Agreements.	Distribution cases.	Other cases including those in which claims were conceded after applications were filed.				No. of Accounts open at the end of the year.	Total deposits at the end of the year.
						Rs.		Rs. a. p.
1925 ...	116	102	53	60	330	1,44,300	.....	.....
1926 ...	206	89	51	153	499	1,85,050	.....	.....
1927 ...	235	144	68	116	563	2,27,675	.....	.....
1928 ...	252	108	61	130	551	2,31,675	.....	.....
1929 ...	322	139	86	136	683	2,62,110	11	6,407 0 0
1930 ...	304	90	112	152	658	2,74,215	45	22,803 4 0
1931 ...	309	124	74	162	669	2,60,000	54	28,206 0 0
1932 ...	291	92	65	135	583	2,06,375	58	28,846 0 0
1933 ...	362	87	53	156	658	2,31,805	96	45,660 0 0
1934 ...	337	91	72	132	632	2,19,723	162	75,110 0 0
1935 ...	360	171	51	191	793	2,52,880	198	90,536 0 0
1936* ...	419	126	86	157	788	2,33,146	241	1,00,118 0 0
1937* ...	381	260	31	181	853	2,98,316	296	1,25,897 0 0

* These figures do not include statistics from Sind.

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat :
Bombay, 3rd June 1938.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Annual Report

on the

Working of the Indian Workmen's Compensation Act, 1923, in the Bombay Province

For the Calendar Year 1938

BOMBAY

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No. C.O. 1944 of 1939.

SECRETARIAT, BOMBAY:

The 5th May 1939.

From

J. F. GENNINGS, Esq., C.I.E., C.B.E., Bar-at-Law, J.P.,
Commissioner for Workmen's Compensation,
Bombay;

To

THE CHIEF SECRETARY TO GOVERNMENT,
Political and Services Department,
Bombay.

Subject.—Annual Report on the Working of the Workmen's Compensation Act, 1923, for the year 1938.

Reference.—G. R., G. D., No. 5498, dated the 27th November 1924.

Sir,

I have the honour to submit the fourteenth Annual Report on the working of the Workmen's Compensation Act, 1923, (as subsequently amended from time to time) in the Province of Bombay during the calendar year 1938.

2. I continued in charge of the administration of the Act during the year in addition to my other duties as Commissioner of Labour and Director of Information. The number of Ex-Officio Commissioners in the Province remained the same as last year and there was no change in the jurisdiction of the Commissioner, Bombay, or any of the Ex-Officio Commissioners.

Amendments to the Act and Rules.

3. Under the Workmen's Compensation (Amendment) Act, 1938 (Act IX of 1938) which came into force on the 5th April 1938, a number of amendments were made in the Act with a view to removing certain defects and difficulties which had been brought to light by the Rulings of the High Courts or by experience of the working of the Act. The most important of them were made in sections 10 and 24. The period of limitation for instituting a claim which had been six months from the date of accident or, in case of death, from the date of death has been extended to one year, while the unlimited right to represent a workman or a dependant or an employer before the Commissioner has been restricted to legal practitioners, officials of Insurance Companies and registered Trade Unions and such other persons as may be authorised by the Commissioner.

4. In addition to these amendments, in pursuance of the powers vested in the Provincial Governments under sub-section 3 of section 2, persons employed, in any occupation ordinarily involving out-door duty, by any Municipality or Local Board and those employed for the purpose of loading or unloading any mechanically propelled vehicle or in the handling or transport of goods which have been loaded into any mechanically propelled vehicle were brought within the scope of the Act by adding two separate clauses to Schedule II in their application to the Province of Bombay.

5. There were no amendments to the Workmen's Compensation Rules, 1924, during the year. Under the Transfer of Money Rules, 1938, money was received in one case from Burma and was distributed according to the instructions received.

Statistics.

Return "A"—Proceedings before Commissioners.

6. The report consists of two parts, viz., (1) proceedings before the Commissioners and (2) statistics supplied by employers as required by section 16 of the Act.

7. The year opened with 99 cases pending from last year and 937 fresh cases (including those received from other Commissioners for disposal) were received during the year making a total of 1,036 as against 982 last year. 937 of these were disposed of during the year under report as against 883 last year, leaving a balance of 99 cases to be disposed of at the end of the year.

8. Of these 1,036 cases, 196 were in respect of accidents resulting in death, 814 in permanent and temporary disablements and the remaining 26 were miscellaneous.

9. Of the 196 cases of fatal accidents 78 were cases of award under section 10 and the remaining 118 were cases of voluntary deposits under section 8 (*1*).

10. Of the 814 cases of permanent and temporary disablement 671 were settled amicably in 589 of which agreements were received for registration under section 28 and in 82 voluntary deposits were received under section 8 (*2*). The remaining 143 came before the Commissioners in the form of applications under section 22.

11. Such cases of temporary disablement as are not required to be referred to the Commissioner are not included in the report.

Cases of award under section 10.

12. The total number of cases including the balance from last year was 221 of which 6 were transferred for disposal to other Commissioners, 6 were allowed to be withdrawn, 5 were summarily dismissed under

rule 24, 6 were admitted by the opposite party and the remaining 198 were contested. In 39 of these, claims were allowed in full, in 110 in part and 24 were dismissed leaving a balance of 25 cases to be disposed of at the end of the year.

13. Indemnity under section 12 was claimed in 5 cases in all of which the claims were successful.

Cases of deposits.

14. The total number of cases of deposits was 200 of which 22 were transferred for disposal to other Commissioners and in 145 the compensation deposited was disbursed to dependants or injured workmen. Only in one case was it returned to employer under section 8 (*4*), there being no dependant. This left a balance of 32 cases to be disposed of at the end of the year.

Miscellaneous cases.

15. Of the total number of 26 miscellaneous cases 6 were for review under section 6, 18 for recovery under section 31 and 2 were miscellaneous. Of the 18 cases of recovery, in 8 compensation was paid after issue of notices and the remaining 5 had to be sent to the Collector. Only in one case was the Collector able to make recovery and in the remaining 4 nothing could be recovered as the employers concerned either could not be traced or were found to be men of straw.

16. The total court fees recovered on all these applications came to Rs. 554-10-0 as against Rs. 743 last year. The fall in court fees was due to fewer deposits being received under section 8 (*2*) during the year.

Return "B"—Cases of Agreements.

17. The number of applications pending at the beginning of the year was 37 and 552 fresh applications, a record number, were received during the year as against 401 in 1937 and 411 in 1936. The total number of applications dealt with during the year was 589 of which 553 were disposed of leaving a balance of 37 to be disposed of at the end of the year. Of these 534 i.e. 97 per cent. were registered as filed. 15 were registered after some modifications and in 4 registration was refused, 3 on the ground of inadequacy and one for "other causes". The total compensation paid in respect of the 549 agreements that were registered during the year under report was Rs. 1,05,375 as against Rs. 1,00,000 in 1937 when the number of agreements registered was 378.

Return "C"—Wage Groups of Workmen.

18. The total number of cases in which compensation was awarded during the year was 300, of which 282 were men, 17 women and one a minor. In 106 cases the injuries resulted in death, in 147 in permanent

disablement and in 46 in temporary disablement. As in 1937 the Wage class most numerously represented was Rs. 21 with Rs. 24 as the next group. The number of workmen receiving compensation at Rs. 60 and above was 22 as against 29 last year and 30 the year before last. Only in two cases was compensation awarded at the maximum rate.

19. Cases of agreements shown in return "B" have not been included in the above figures.

Returns under section 16.—Appendix "A".

20. Although the notification issued under section 16 makes it obligatory on the employers covered by the said notification to make returns annually to the Commissioner showing the number of workmen employed, the number of accidents and the compensation paid for them, experience has shown that very few employers make voluntary returns. Therefore, with a view to facilitate the submission of the returns it has been the practice of this office to issue memos of instructions together with forms of returns to employers whose addresses are on record. Forms were sent to 2,214 concerns of which 2,086 submitted returns. In addition to these, Insurance Companies submitted 48 returns on behalf of their insured. 1,332 employers did not report a single accident.

21. From amongst the 11 groups of Industries that are subject to the notification under section 16 returns were received from the following eight groups :—

Groups of Industries.	Number of Industries.	Number of persons employed.	Number of accidents.	Total Compensation.	Percentage of cases of accidents to numbers employed.
				Rs.	
Factories ...	1,971	4,55,779	6,171	2,01,716	1·3
Mines ...	1	140	5	33	3·6
Tramways ...	1	3,184	77	2,868	2·4
Port Trust ...	1	5,698	166	8,260	2·9
Factories Manufacturing Explosives.	2	163	...	.....	.....
Fire Brigades ...	16	539	...	.....	.....
Electric Supply Companies.	65	2,602	53	3,277	2
Cinema Film Manufacturing Companies.	29	1,792	6	5,028	·3
Total ...	2,086	4,69,897	6,478	2,21,202	1·3

22. Returns relating to Railway servants are submitted to the Railway Board direct. The other two industries, viz., operations for winning natural petroleum and Estates maintained for growing cinchona, coffee, rubber etc. do not exist in this Province.

23. The number of returns received during the year was 2,086 i.e. 92 per cent., as against 1,895 last year and 1,806 the year before last and the total compensation paid during the year was Rs. 2,21,202 as against Rs. 2,00,589 last year and Rs. 1,56,862 year before last.

24. The average amount of compensation paid in respect of each case of fatal accident was Rs. 1,076, of permanent disablement Rs. 197 and of temporary disablement Rs. 12 as against Rs. 1,052, Rs. 208 and Rs. 12 respectively.

Reports of Fatal Accidents under section 10-B and Notices issued under section 10-A.

25. Although the total number of fatal accidents in which information was received during the year was 178, including 23 cases that were under investigation at the end of last year, employers submitted reports under section 10-B in only 78 cases. In the remaining 100 the information was received from other sources and necessitated action under section 10-A. In 76 cases compensation was deposited voluntarily as required by section 8 (*1*); in 16 the workmen were not covered by the Act; in 13 dependants could not be traced and 10 were transferred to other Commissioners in the Province for disposal, the accidents having taken place in their jurisdiction. In 25 cases applications were received from dependants to whom application forms had been supplied, in 20 of which the claims were successful, the remaining 5 being dismissed. It will be seen that out of the 140 cases that were informally investigated during the year only in 25 did the dependants have to institute regular claims before the Commissioners. But for the action taken under section 10-A, it would not have been possible in the majority of the cases for them even to have made their claims much less to secure compensation. The number of reports that were still under investigation at the end of the year was 38.

Deposits under section 8 (1) and 8 (2).

26. The opening balance and deposits received and paid out during the year were as under:—

		Rs.	a.	p.	Rs.	a.	p.
Opening balance—							
Fatal accidents	..	18,776	9	0			
Non-fatal accidents	..	4,362	14	0			
					23,139	7	0

	Rs. a. p.	Rs. a. p.
Receipts—		
Fatal accidents ..	1,32,425 12 4	
Non-fatal accidents ..	46,264 0 8	
		1,78,689 13 0
Payments—		
Fatal accidents ..	1,28,479 5 4	
Non-fatal accidents ..	48,318 13 8	
		1,76,798 3 0
Closing balance—		
Fatal accidents ..	22,723 0 0	
Non-fatal accidents ..	2,308 1 0	
		25,031 1 0

Although according to the last report, the closing balance was Rs. 30,652, this year's figures show that it was Rs. 23,139-7-0. The difference was due to mistakes made by two Ex-Officio Commissioners in showing their balances last year. The figures shown above represent compensation deposited either voluntarily or in pursuance of the awards made under section 10 and bear no relation to those in Appendix "A" which only records compensation paid by those employers who are amenable to the notification under section 16 whereas the above figures represent compensation in respect of all the workmen covered by the Act.

Investments under section 8 (7).

27. The following statement will show the balance, extent of investments made during the year under report and the closing balance at the end of the year :—

—	No. of Accounts.	Deposits. Rs. a. p.
Opening balance	296	1,26,174 12 11
New accounts opened and investments made.	150	75,432 0 0
Number of accounts closed and withdrawals made.	62	33,905 15 7
Closing balance	384	1,60,742 13 4

28. It will be clear from the above figures that there was a substantial increase both in the number of new accounts opened and deposits made during the year.

Comparative Statement—Appendix " B ".

29. A comparison of the figures for the last year and the year under report will show that there was a small increase in the total number of cases disposed of during the year. The number rose from 883 to 937. A marked increase will, however, be noticeable in the number of cases of agreements, which rose from 381 to 553, an increase of 45 per cent. The number of distribution cases, however, fell from 290 to 168. The reason for this substantial fall was that some Insurance Companies, instead of making deposits with the Commissioners under section 8 (*2*), settled more claims by registering agreements under section 28 and therefore this fall is counter-balanced by an increase in the number of agreements. The number of miscellaneous cases also rose from 31 to 43 but that of contested cases remained practically the same. The total compensation paid during the year was Rs. 2,82,173 as against Rs. 2,98,316 last year and Rs. 2,33,146 the previous year.

30. The number of Post Office Savings Bank accounts rose from 296 to 384, an increase of 30 per cent. and the total deposits from Rs. 1,25,897 to Rs. 1,60,743 which is a substantial increase over last year's figures. It will be seen from the figures for the last 9 years that the work under this head has been steadily increasing. The number of Post Office Savings Bank accounts open at the end of 1930 was only 45 which rose to 384 in 8 years and the deposits from Rs. 22,803 to Rs. 1,60,743. These Savings Bank accounts mostly opened for widows and children mean more work for the Commissioner and his staff but they are well worth the trouble because they keep intact money which might otherwise be wasted or taken by greedy relatives. The number of letters received and despatched during the year rose from 4,836 and 6,152 to 5,221 and 7,096 respectively.

31. Of the 419 cases and 589 agreements that were received during the year, 382 cases and 571 agreements i.e. 91 per cent. and 97 per cent. respectively were filed in the court of the Commissioner, Bombay. The Commissioners at Dhulia, Broach and Godhra had 5 cases each. Nasik, Belgaum and Hubli had 4 cases each and the remaining 14 Commissioners had 10 cases together. The number of agreements received by the remaining 20 Commissioners together was only 18.

32. Of the 192 contested cases the Commissioner, Bombay, had 177, i.e. 92 per cent., Nasik 4, Dhulia and Broach had 3 each, Ahmednagar and Hubli 2 each and Poona had only one. The remaining 14 Commissioners had no contested case at all. From these figures it will be clear that the bulk of the work in the Province falls on the Commissioner, Bombay.

Appeals under section 30 and References under section 27.

33. The number of appeals that were pending at the beginning of the year was 4. No appeals were filed during the year, the first blank year since 1926. Of the 4 appeals that were pending 3 had

been filed against decisions by the Commissioner, Bombay, and the other against a decision by the Ex-Officio Commissioner, Ahmedabad. All the four appeals were disposed of during the year under report. In three the Commissioners' awards were confirmed and in the other it was held that the legal representative of a deceased dependant had a right to claim compensation and the case was sent back to the lower court.

Tours, Local Inspections and Appointments of Assessors.

34. During the year under report the Commissioner had to go on tour to Ahmedabad on two occasions for deciding cases locally.

35. Local inspection was not necessary in any case during the year nor was the assistance of medical assessors invoked.

Industrial Diseases.

36. No case of industrial disease was reported by any employer during the year.

General Remarks.

37. The Act worked smoothly during the year as is apparent from the fact that although the number of contested cases decided during the year was practically the same as last year there was not a single appeal to the High Court although there were 6 last year and 5 the previous year. The work was facilitated as usual by the co-operation of the Insurance Companies who handled more than 50 per cent. of the cases. No Trade Union except the Textile Labour Association, Ahmedabad, played any important part in the settlement of claims on behalf of workers. The number of cases handled by that body during the year was 188 as against 244 last year and 202 the year before last. The total compensation secured during the year was Rs. 19,776 as against Rs. 21,915. The fall in the number of cases handled by the Textile Labour Association during the year under report was consistent with the general fall in the number of contested applications from Ahmedabad. Many cases were decided on informal references from Insurance Companies or the Association to the Commissioner in Bombay.

38. Two bad accidents occurred during the year each being responsible for the death of five persons in each case. One occurred during the construction of a Municipal sewer owing to the failure to shore the sides of a trench 20 feet deep. The sides gave way and a number of workers working in the trench were buried under the debris. Compensation not having been deposited under section 8 (*1*) the dependants instituted claims which were decided in their favour and thereafter deposits were received from the employer. It is understood that the persons responsible were prosecuted for negligence and convicted.

39. The other accident occurred in a bucket factory while workmen were soldering drums an oil stove suddenly exploded and 6 persons were severely burned, 5 of whom died.

40. The number of cases in which my office staff rendered assistance to applicants who were not represented either by legal practitioners or Claim Agencies during the year was 62 in addition to applications for withdrawal of money from the Post Office Savings Bank and applications under the Payment of Wages Act, referred to in paragraph 44.

41. I take this opportunity of thanking the Millowners' Association, Ahmedabad, for placing their Committee Room at my disposal when I visited Ahmedabad and of again recording my appreciation of the assistance received from the Factory and Police Departments and the Coroner of Bombay in tracing small employers and the dependants of deceased workmen. I also thank Dr. S. R. Joglekar, F.R.C.S. (Eng.), Honorary Surgeon, J. J. Hospital, for his kindness in examining workmen and giving his valued opinion in several cases which I referred to him where the applicants were unrepresented and were unable to pay for expert medical advice.

Payment of Wages Act, 1936.

42. The Act as it was passed was applicable in the first instance to the payment of wages of persons of only two catagories whose average monthly wages are less than Rs. 200, (1) those employed in any factory employing 20 or more persons on any one day during the year and (2) those employed on any railway by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration. During the year under report, however, in exercise of the powers conferred on Provincial Governments by sub-section 5 of section 1 of the Act, the provisions of sections 3, 4, 5, 6 and 15 to 20 of the said Act were extended to the payment of wages of workers employed in any individual industrial establishment or classes of industrial establishments which have been and may be declared to be factories under sub-section 5 of the Factories Act, 1934, for all or any of the purposes of that Act.

43. This report relates to the period from 1st January to 31st December 1938. The total number of applications received during the year was 99 of which 46 were individual applications and 53 group applications and the number of persons affected was 1,019. The total amount of wages awarded in the 96 applications that were disposed of during the year was Rs. 40,429-13-3 and that of compensation Rs. 721-4-0. The amount of illegal deductions was only Rs. 6-3-0. No penalty was imposed on any employer under section 20 and the amount of fine inflicted on workers under section 15 (*4*) for a malicious or vexatious claim was only Re. 1.

44. Of these 99 applications 25 were filed against Printing Presses, 35 against Cinema Film Manufacturing Companies, 5 against small

Silk Mills and the remaining 37 against Soda Water Factories, Metal Works, small Engineering Works, etc. The number of applications presented by Inspectors of Factories was 19, 8 were presented by the Labour Officer, Bombay, 11 by Trade Unions, 10 by the applicants in person and in the remaining 51 applications the applicants were helped by the office staff.

45. Of the 96 applications that were disposed of only 11 were dismissed. Compensation was awarded in 51 cases i.e. more than 50 per cent. In 56 cases payments were made by employers in accordance with the awards made and in the remaining 29 recovery proceedings had to be taken through Magistrates in 12 of which recovery was made during the year. In 4 of these 12 a part of the payment had been made and only the balance had to be recovered. In 4 nothing could be recovered as the employers concerned possessed no assets, but in one case the mortgagee in possession subsequently paid part of the wages. In the remaining 13, proceedings were pending at the end of the year, the total amount involved being Rs. 16,694-12-0.

46. No case was filed during the year under report against any railway administration or railway contractor.

47. A comparison of the work done during the nine months of the year 1937 and the year under report shows that there was a considerable increase in the work under this Act. Although during the year the Act was extended to smaller factories the figures shown above do not include statistics relating to such factories except in four or five cases. It will thus be seen that the remark in the last report that there would be a considerable increase in work during the next year has been more than justified even without the figures relating to smaller factories and it is expected that the increase will be progressive.

48. In very few cases is the default by the employer wilful. The failure to pay the wages is almost invariably due to financial embarrassment. The real value of the Payment of Wages Act in such cases is that it provides a cheap and speedy procedure for a workman to establish his claim and ensures his receiving his money if the employer has any to give.

I have the honour to be,

Sir,

Your most obedient servant,

J. F. GENNINGS,

Commissioner for Workmen's Compensation, Bombay.

WORKMEN'S COMPENSATION ACT
(VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation for the Bombay Province for the year ending 31st December 1938.

Return A

WORKMEN'S COMPENSATION

Proceedings before the Commissioners for Workmen's Compensation

Return of cases filed.

Cases of	Pending at commencement	Filed	Received for disposal from other Commissioners	Transferred to other Commissioners for disposal	CASES DISPOSED OF WITHOUT NOTICE TO THE OTHER PARTY				
					Withdrawn	Dismissed for non-appearance	Summarily dismissed under Rule 24	Dismissed under Rule 25	Total
Award of compensation (under section 10):—									
Fatal accidents ...	21	51	6	4	2	...	2	...	4
Permanent disablement	11	89	2	2	3	...	3	...	6
Temporary disablement	5	36	...	...	1	...	...	...	1
Total ...	37	176	8	6	6	...	5	...	11
Commutation (under section 7) ...	...	...	...	...	...	...	...	...	...
Review (under section 6)	1	5	...	...	...	...	...	...	...
Recovery of compensation (under section 31)	5	13	...	...	...	...	...	...	...
Proceedings other than those mentioned above and not included below under "Deposits under section 8" ...	...	1	1	...	...	...	...	...	...
Total ...	6	19	1	...	...	...	...	...	...
Deposits under section 8					Disbursed to dependants or workmen as the case may be				
(i) Fatal accidents [sub-section (1)] ...	15	81	19	22	69				
(ii) Disablements of women and persons under legal disability [sub-section (1)] ...	...	14	...	...	13				
(iii) Others [sub-section (2)] ...	4	64	...	...	63				
Total ...	19	163	19	22	145				

Secretariat:

Bombay, 5th May 1939

ACT (VIII OF 1923)

for the Bombay Province for the year ending 31st December 1938.

Cases disposed of after notice to the other party							Total disposed of	Pending at conclusion	Court fees paid
Not contested			Contested						
Admitted by opposite party	Allowed *exparte*	Total	Allowed	Allowed in part	Dismissed	Total			
									Rs. a. p.
5	...	5	12	20	14	46	59	19	168 8 0
1	...	1	18	61	9	88	97	5	165 6 0
...	...	...	9	29	1	39	40	1	15 8 0
6	...	6	39	110	24	173	196	25	349 6 0
...	...	...	...	...	...	...	...	...	.....
...	...	...	4	2	...	6	6	...	16 0 0
...	...	...	9	...	4	13	13	5	5 8 0
...	1	1	...	...	...	...	1	1	1 0 0
...	1	1	13	2	4	19	20	6	23 8 0
Refunded to employer								...	
			1				92	26	119 12 0
			...				13	1	.....
			1				63	5	63 0 0
			1				168	32	189 12 0

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

Return B

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Registration of agreements by the Commissioners for Workmen's Compensation for the Bombay Province for the year ending 31st December 1938.

Applications for registration of agreements relating to	Pending at commencement	Filed	Registered as filed	Registered after modification	Not registered on account of		Total disposed of	Pending at conclusion
					Inadequacy	Other causes		
Payment of compensation for permanent disablement ...	33	538	518	15	3	...	536	35
Payment of compensation for temporary disablement ...	4	13	15	...	...	1	16	1
Commutation of half-monthly payments .	...	1	1	...	...	...	1	...
Total ...	37	552	534	15	3	1	553	36

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat :
Bombay, 5th May 1939.

Return C

WORKMEN'S COMPENSATION ACT (VIII OF 1923)

Proceedings before the Commissioners for Workmen's Compensation for the Bombay Province for the year ending 31st December 1938.

Number of adults in each wage-class to whom or in respect of whose death compensation was awarded or disbursed.

Monthly wages of the workmen injured		Number of workmen							
		For temporary disablement		For permanent disablement		For fatal accidents		Total numbers	
More than	But not more than	Men	Women	Men	Women	Men	Women	Men	Women
Rs.	Rs.								
0	10	1	...	9	5	5	...	15	5
10	15	1	4	14	2	15	1	30	7
15	18	1	...	9	2	11	...	21	2
18	21	9	1	14	1	18	...	41	2
21	24	7	...	24	...	8	...	39	...
24	27	1	1	14	...	5	...	20	1
27	30	4	...	9	...	8	...	21	...
30	35	3	...	12	...	9	...	24	...
35	40	2	...	11	...	10	...	23	...
40	45	4	...	9	...	2	...	15	...
45	50	2	...	7	...	2	...	11	...
50	60	3	...	4	...	6	...	13	...
60	70	...	...	1	...	2	...	3	...
70	80	1	...	...	...	...	...	1	...
80	100	...	...	...	...	1	...	1	...
100	200	1	...	...	...	1	...	2	...
200	...	...	...	...	...	2	...	2	...
Totals ...		40	6	137	10	105	1	282	17

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat:
Bombay, 5th May 1939.

APPENDIX

WORKMEN'S

Consolidated statement of Returns furnished by Employers

Bombay

	Average Numbers employed per day	Accidents			
		Number of cases of injuries in respect of which final compensation has been paid during the year			Amount of
		Death	Permanent disablement	Temporary disablement	Death
Factories					Rs. a. p.
Adults ...	4,53,700	40	480	5,640	40,940 0 0
Minors ...	2,079	.....	1	10	.....
Mines					
Adults ...	140	.....	.....	5	.....
Minors ...	.....	.....	.....	.....	.....
Tramways					
Adults ...	3,184	1	.....	76	1,800 0 0
Minors ...	.....	.....	.....	.....	.....
Port Trusts					
Adults ...	5,694	3	6	157	4,020 0 0
Minors ...	4	.....	.....	.....	.....
Factories Manufacturing Explosives					
Adults ...	135	.....	.....	.....	.....
Minors ...	28	.....	.....	.....	.....
Fire Brigades					
Adults ...	637	.....	.....	.....	.....
Minors ...	2	.....	.....	.....	.....
Electric Supply Companies					
Adults ...	2,599	.....	2	51	.....
Minors ...	3	.....	.....	.....	.....
Cinema Film Manufacturing Companies					
Adults ...	1,783	4	.....	2	4,900 0 0
Minors ...	9	.....	.....	.....	.....
Total, Adults ...	4,68,772	48	489	5,931	51,660 0 0
Total, Minors ...	2,125	.....	1	10	.....

Secretariat :

Bombay, 5th May 1939.

A

COMPENSATION

relating to period from 1st January to 31st December 1938

Province

Occupational Diseases								
compensation paid		Number of cases of diseases in respect of which final compensation has been paid during the year				Amount of compensation paid		
Permanent disablement	Temporary disablement	Nature of disease	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
Rs. a. p.	Rs. a. p.					Rs.	Rs.	Rs. a. p.
91,219 13 11	69,415 9 11	...	...	.....	.....	...	.....	.....
84 0 0	56 11 0	...	...	.....	.....	...	.....	.....
.....	33 7 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	1,068 5 11	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
2,751 3 0	1,508 12 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
2,063 13 0	1,213 8 0	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
.....	128 4 6	...	...	.....	.....	...	.....	.....
.....	.....	...	...	.....	.....	...	.....	.....
96,034 13 11	73,367 10 4	...	...	.....	.....	...	.....	.....
84 0 0	56 11 0	...	...	.....	.....	...	.....	.....

J. F. GENNINGS,
Commissioner for Workmen's Compensation,
Bombay.

APPENDIX B

Statement showing the number of cases disposed of, compensation paid and the deposits held in the Post Office Savings Bank during the years from 1925 to 1938

Year	Not contested			Contested	Total No. of cases	Total compensation paid during the year excluding that paid for non-contested cases of temporary disablement	Post Office Savings Bank Accounts	
	Agreements	Distribution cases	Other cases including those in which claims were conceded after applications were filed				No. of Accounts open at the end of the year	Total deposits at the end of the year
						Rs.		Rs. a. p.
1925 ...	115	102	53	60	330	1,44,300	.....	.....
1926 ...	206	89	51	153	499	1,85,050	.....	.....
1927 ...	235	144	68	116	563	2,27,675	.....	.....
1928 ...	252	108	61	130	551	2,31,675	.....	.....
1929 ...	322	139	86	136	683	2,62,110	11	6,407 0 0
1930 ...	304	90	112	152	658	2,74,215	45	22,803 4 0
1931 ...	309	124	74	162	669	2,60,000	54	28,206 0 0
1932 ...	291	92	65	135	583	2,06,375	58	28,846 0 0
1933 ...	362	87	53	156	658	2,31,805	96	45,660 0 0
1934 ...	337	91	72	132	632	2,19,723	162	75,110 0 0
1935 ...	380	171	51	191	793	2,52,880	198	90,536 0 0
1936* ...	419	126	36	157	738	2,33,146	241	1,09,113 0 0
1937* ...	381	290	21	181	883	2,98,316	296	1,25,897 0 0
1938* ...	553	168	43	173	937	2,82,173	384	1,60,743 0 0

* These figures do not include statistics from Sind.

J. F. GENNINGS,

Commissioner for Workmen's Compensation,
Bombay.

Secretariat :
Bombay, 5th May 1938.

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